

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

215-A

CRM-M-27463-2021

Date of decision: 23.11.2021

Vijay Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. G.S. Sandhu, Advocate
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab
for the respondent-State.

MANJARI NEHRU KAUL, J. (ORAL)

The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.34 dated 10.03.2021 under Sections 376, 376-D, 342, 109 and 34 IPC and Section 5(1) of the Immoral Traffic Prevention Act, 1956 registered at Police Station Sadar Rupnagar, District Rupnagar.

Vide order dated 16.07.2021, the petitioner had been granted interim anticipatory bail with direction to join investigation.

Learned counsel for the petitioner submits that in compliance of order dated 16.07.2021 passed by this Court, the petitioner has joined investigation.

Learned State counsel, on instructions from ASI Kamal Kishor, has not disputed the factum of the petitioner having joined investigation in compliance of the aforementioned order, however, he has vehemently opposed the prayer and submissions made by counsel opposite that the petitioner had been falsely implicated in the FIR in question on account of some money dispute between him and the prosecutrix. Learned State counsel has submitted that the petitioner

along with co-accused had exploited the prosecutrix, a hapless woman, by continuously raping her in a hotel being run by co-accused Sukhwinder Kaur. Learned State counsel has further submitted that the complainant/prosecutrix who continuously was raped after being threatened with dire consequences managed to flee from the hotel of the co-accused on 08.10.2020 and it was only thereafter she mustered the courage to approach the police with a complaint against all the accused including the petitioner. Still further, he submits that the prosecutrix reiterated the allegations levelled against the petitioner while getting her statement recorded under Section 164 Cr.P.C. including forcing the prosecutrix into the prostitution. It was also submitted that the petitioner was a man of criminal antecedents as there were as many as eight criminal cases pending against him in the State of Himachal Pradesh. A prayer was, therefore, made not to extend the extraordinary concession of anticipatory bail to the petitioner as his custodial interrogation was required by the investigating agency.

Heard learned counsel for the parties and perused the material on record.

Prima facie there are serious and specific allegations levelled against the petitioner coupled with his criminal antecedents for which this court does not deem it fit to extend the extraordinary concession of anticipatory bail. The petition stands dismissed.

23.11.2021

Vinay

(MANJARI NEHRU KAUL)

JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No