

**108 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-27851-2021

Date of decision : 19.07.2021

Gurdev Singh

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Harchand Singh Batth, Advocate
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab

RAJESH BHARDWAJ, J.

Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

Prayer in the present petition filed under Section 438 of the Code of Criminal Procedure is for grant of anticipatory bail to the petitioner in case FIR No.56 dated 04.04.2021, registered under Sections 363, 366, 376, 376-D(A) of the Indian Penal Code (Section 376-D(A) and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012 deleted later on) at Police Station Kathu Nangal, District Amritsar Rural.

Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in the FIR in question and no offence as alleged has been made out against him. He has submitted that there is contradiction in the initial statement and that in Section 164 Cr.P.C statement of the prosecutrix. He has further submitted that even

the DNA report does not substantiate the allegations made by the victim. In the circumstances, he prays that the petitioner deserves the concession of anticipatory bail.

Mr. M.S. Nagra, AAG, Punjab on behalf of the respondent-State has vehemently opposed the contentions raised by counsel for the petitioner. It has been submitted that the victim is a 15 years old girl and therefore, the contradictions as alleged have no relevance in the eyes of law. He submits that there are categorical allegations of rape against the petitioner and thus, he does not deserve the concession of anticipatory bail as custodial interrogation is required in this case.

I have heard learned counsel for the parties.

The case in hand pertains to the offence of gang rape and under the POCSO Act as the victim is a 15 years old girl. The contentions of contradictions are totally the subject matter to be evaluated on the basis of evidence by the trial Court. Looking into the gravity of offence and the investigation being at threshold, I find the petition without any merit, and the same is hereby, dismissed.

(RAJESH BHARDWAJ)
JUDGE

19.07.2021
m. sharma

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