

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

CRM-M-31246-2021(O&M)
Date of decision: 27.10.2021

Lakhwinder Singh @ Raju

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Prateek Pandit, Advocate for the petitioner.

Mr. H.S. Multani, AAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Copy of custody certificate by way of affidavit dated 26.10.2021, of the Deputy Superintendent, Central Jail, Kapurthala, submitted by the learned State counsel, is taken on record.

The petitioner has filed this second petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 130 dated 22.09.2020, registered under Section 376-D, 506, 363, 366-A, 328, 120-B IPC and Section 6 of the Protection of Children from Sexual Offences (**POCSO**) Act, 2012, at Police Station Subhanpur, District Kapurthala.

Learned counsel for the petitioner submits that the FIR was registered on the complaint made by Jaswant Kaur-mother of the victim. As per the initial version, the victim was taken away by the petitioner from

outside her school on 28.02.2020 at about 8.15 AM, whereas she has now taken a specific stand that the victim was taken away by the petitioner after her Punjabi Language examination, which was scheduled on 28.02.2020 and thereafter, he had committed rape upon her. There is a delay of approximately seven months in lodging the FIR. The petitioner has been in custody since 28.09.2020.

It is further argued that one day prior to the registration of the present FIR, another case bearing FIR No.129 dated 21.09.2020, under Sections 323, 324, 452, 148, 149, 34 and 506 of the IPC, at the same Police Station, was got registered by the father of the victim, alleging therein that a fight took place between their families, but there was no allegation of rape.

On the other hand, learned State counsel while controverting the submissions made by the learned counsel for the petitioner, submits that the allegations against the petitioner are very serious and in case, he is enlarged on bail, every effort will be made by him to either tamper the evidence or win over the witnesses. However, he does not dispute the custody period of the petitioner and submits that the earlier bail petition filed by the petitioner was dismissed as withdrawn, vide order dated 03.03.2021, awaiting the examination of the prosecution witnesses. He further submits that now the victim and the complainant-mother of the victim, while appearing into the witness-box as PW 1 and PW 2, have duly supported the prosecution version.

I have heard the learned counsel for the parties.

As noticed above, the victim and her mother in their testimony

before the learned trial Court, have duly supported the prosecution version. The assertions made by the learned counsel for the petitioner that there is a delay of approximately seven months in lodging the FIR and the allegation of rape is an improved version, cannot be considered while deciding present petition.

Keeping in view the nature and gravity of the offence, I do not find any ground to grant the concession of regular bail to the petitioner.

In view of the above, the present petition is dismissed. However, nothing stated above, shall be construed as an expression of opinion on the merits of the case.

(HARNARESH SINGH GILL)
JUDGE

27.10.2021

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No