

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.37295 of 2021(O&M)

Date of Decision.10.09.2021

(Heard through VC)

Jaswinder Singh @ Jassi

...Petitioner

Vs

State of Punjab

...Respondents

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Munish Gulati, Advocate
for the petitioner.

Mr. A.S. Gill, Sr. DAG, Punjab.

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JAISHREE THAKUR J. (ORAL)

The instant petition has been filed under Section 438 Cr.P.C praying for concession of anticipatory bail in FIR No.56 dated 30.05.2019 under Sections 376-D IPC (Section 120-B IPC added later on) registered at Police Station Basti Bawa Khel, District Police Commissionerate, Jalandhar, who has been summoned under Section 319 Cr.P.C. as an additional accused.

Learned counsel for the petitioner prays for grant of anticipatory bail to the petitioner herein on the ground that he has been summoned to face trial under Section 319 Cr.P.C. and that his name had been reflected in column No.2 at the time when the challan had been presented under Section 173(2) Cr.P.C. It is contended that FIR was registered on 30.05.2019 under Section 376-D, 120-B IPC and the petitioner was never summoned nor arrested in the present case, however, has been summoned now under Section 319 Cr.P.C. It is further contended that the petitioner has been falsely implicated in the said case.

Learned counsel appearing on behalf of the respondent-State would contend that there are specific allegations against the petitioner-Jaswinder Singh

by the prosecutrix, who submitted that the petitioner had committed rape upon her on the pretext of marriage and on the threat of showing photographs to her family. It is also argued that in the FIR, it has been alleged that the petitioner herein took the prosecutrix along with him on his friend’s motor cycle and committed rape by threatening to show photographs, which he had in his mobile phones to her family members. It is also submitted that statement of the prosecutrix was recorded where she had specifically stated that the petitioner herein was having photographs with which he used to blackmail her. She had given Rs.70,000/- to Rs.80,000/- to him but he had not deleted the photographs. In the said statement under Section 164 Cr.P.C., there is specific allegation that she was raped at Lambi village and therefore, his custodial interrogation would be required. It is further argued that the petitioner never joined investigation nor was he arrested as the FIR was registered in May, 2019 and thereafter, the petitioner was absconding. The challan was presented against other co-accused by mentioning that supplementary challan would be presented against the petitioner herein after he was found.

I have heard learned counsel for the parties and have perused the pleadings of the case. The petitioner was summoned under Section 319 Cr.P.C. but he did not put in appearance. The petitioner has been evading arrest all along to the extent that non-bailable warrants of arrest have been issued against him. There are specific allegations of rape made against the petitioner, who is the main accused and therefore, this Court finds no ground to grant him anticipatory bail. Consequently, the instant petition stands dismissed.

(JAISHREE THAKUR)

JUDGE

September 10, 2021

Pankaj*

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