

102.

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

CRM-M-37192-2021 (O&M)

Date of Decision: 09.09.2021

(Heard through VC)

RAMANDEEP KAUR

.... Petitioner

Versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Surjit Singh Salar, Advocate,
for the petitioner.

Ms. Jaspreet Kaur, AAG, Punjab.

JAISHREE THAKUR.J

This is a petition that has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.109, dated 09.08.2021, registered under Sections 376(2)(n), 506, 120-B, 306 IPC at Police Station Sadar Malaut, District Sri Mukatsar Sahib.

Counsel for the petitioner herein would contend that the petitioner has been falsely implicated in the said matter and the main allegations are against one Gurwinder Singh alias Soni. It is also contended that the instant FIR has been registered on the statement of complainant who alleged she was studying in 8th standard and doing household work. Said Gurwinder Singh started taking to her about 2 ½ years ago and gave her a mobile to communicate, regarding which, her parents were unaware. One day, Gurwinder Singh visited her house and committed the offence of rape

and when she tried to raise hue and cry, said Gurwinder Singh threatened her that he is a gangster and in case she told anyone, he would kill her entire family. She disclosed this incident of rape to the aunt of Gurwinder Singh (Ramandeep Kaur), the present petitioner, who too asked her not to disclose this to anyone. This fact was not disclosed to her family members and Gurwinder Singh took advantage of her and would commit rape upon her. One day, when Gurwinder Singh was making a call to the complainant, her mother came to know about it. Both, her elder brother and father were informed and when her brother went to talk to Gurwinder Singh, Gurwinder Singh said he would do whatever he wants and will even make the photos of the complainant viral. On the date of the incident, her brother did not come back and eventually when they looked for him, her brother was hanging in the cremation ground at Village Mana Wala. In the FIR, it was mentioned that her brother committed suicide on account of the threat extended by Gurwinder Singh that her photos would be made viral and that Gurwinder Singh had raped her for 7-8 months and his aunt Ramandeep Kaur instead of helping her also threatened to keep quite and not to disclose the incidents to anyone.

Learned counsel appearing on behalf of the petitioner has vehemently argued that no role is attributed to the petitioner herein regarding the suicide committed by the brother of the complainant. Whereas learned State counsel opposes the grant of bail by contending that the allegations are serious against the petitioner herein on the ground that she was informed about the conduct of Gurwinder Singh and instead of helping the complainant, she too threatened her not to disclose the incident to anyone. It

is argued that the version of the prosecutrix recorded under Section 164 Cr.P.C. is specific as to the role of the petitioner herein. It is submitted that the accused Gurwinder Singh had also raped her in the house of Ramandeep Kaur and, therefore, she would be a party to it.

At this juncture, counsel for the petitioner would contend that no such allegations have been made out in the FIR and the statement given under Section 164 Cr.P.C. is nothing but an improvement.

I have heard learned counsel for the parties and in view of the serious allegations raised, find no ground to allow the instant bail petition. The FIR itself contains a specific allegation that the petitioner herein had been informed about the offence of rape having been committed upon the complainant by the nephew of the petitioner. However, the complainant was warned not to disclose this incident by the petitioner or face dire consequences thereof. It is well settled that the FIR itself is not an entire encyclopedia of events that occur and, therefore, a reading of the statement recorded under Section 164 Cr.P.C. would also be looked into in which specific and detailed allegations have been made against the petitioner.

Consequently, the present petition stands dismissed.

(JAISHREE THAKUR)
JUDGE

09.09.2021

sanjeev	Whether speaking/reasoned:	Yes/No
	Whether Reportable:	Yes/No