

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

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**CRM-M-32818-2020
Decided on:15.02.2021
(Heard through V.C.)**

Rakesh Kumar

.... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Amarjit Singh Sandhu, Advocate
for the petitioner.

Ms. Rashmi Attri, DAG, Punjab.

JAISHREE THAKUR, J. (ORAL)

This is a petition that has been filed for grant of regular bail to the petitioner in case FIR No.417 dated 21.12.2018 under Section 376 IPC, registered at Police Station City Rajpura, District Patiala.

Counsel for the petitioner herein would contend that he has been falsely implicated in the said matter and would rely upon the FIR as well as the statement given by PW-2, Dr. Simrita Kaur, Simrita Nursing Home, Dalima Vihar, Rajpura. It is argued that as per the FIR, there were allegations that she had been sexually assaulted by Rakesh Kumar, M.D. of R.K. Group, Sham Nagar, Rajpura whereas the statement of Dr. Simrita Kaur, Simrita Nursing Home, Dalima Vihar, Rajpura is diametrically opposite to the allegations as set out in the FIR. Counsel

would rely upon the statement given by PW-2, wherein the doctor has stated that the complainant at the time of admission had submitted that she was forcibly pulled into a car by two unknown boys, who forcibly raped her. It is also argued that the statement of the prosecutrix has been recorded and there are contradictions in the said statement whereas learned counsel appearing on behalf of the respondent-State would oppose the grant of regular bail by contending that the medical report would reflect that spermatozoa had been detected upon Exhibits i.e. Cover of Gadda marked A-1, Chaddar marked A-2, Kameej marked A-3 and Banyan marked A-4, which is enough to substantiate the statement given by the complainant.

I have heard the counsel for the parties and find that no ground is made out for grant of regular bail. Even the statement given by PW-2 would reflect as under:-

- “1. There was a tear of 1-1/2-2” at the introitus.
2. Right Lateral vaginal wall and at the posterior vaginal wall there was tears.”

Merely because the doctor has given a different version from that of the complainant would not be a ground to grant regular bail to the petitioner.

Consequently, the instant petition stands dismissed.

However, considering the fact that petitioner has been in custody for almost 2½ years and the material witness has been examined, the trial Court is directed to list the matter for an early completion of the

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trial as only official witnesses have to be examined, as expeditiously as possible and preferably within a period of four months. Any observation made hereunder are not to be construed as an opinion on merits. Observations are only for the purpose of deciding the petition for regular bail.

15.02.2021

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**(JAISHREE THAKUR)
JUDGE**

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