

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

229

**CRM-M-49898-2021  
Decided on : 02.12.2021**

Shobhraj Singh

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

**PRESENT:** Mr. Yashpal Thakur, Advocate  
for the petitioner(s).

Mr. Luvinder Sofat, AAG, Punjab  
assisted by ASI Gurbhej Singh.

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**MANJARI NEHRU KAUL, J. (Oral)**

This is the second petition filed under Section 439 Cr.P.C. for grant of bail to the petitioner in case FIR No. 247, dated 21.08.2020, under Sections 376, 384, 506 of IPC and Section 25, 27/54/59 of the Arms Act, 1959, registered at Police Station Mandi Gobindgarh, District Fatehgarh Sahib (Annexure P-1).

Learned counsel for the petitioner submits that subsequent to the withdrawal of the previous petition on 23<sup>rd</sup> September, 2021, six prosecution witnesses including the prosecutrix stand examined. Learned counsel further submits that a perusal of the deposition of the prosecutrix clearly hints at a false and fabricated case having been foisted upon the petitioner. Further submits that in fact, it was a consensual relationship between the prosecutrix and the petitioner, however, since the petitioner had solemnized his marriage elsewhere, the prosecutrix in order to wreak vengeance on him, planted the instant case on him. Learned counsel further submits that even the allegations of rape are not corroborated by any scientific evidence, as no human semen was detected in the case property,

sent to the Forensic Science Laboratory.

Learned counsel further contends that even the allegations levelled in the FIR that the petitioner after putting the prosecutrix under threat, had sold of some of her properties and thereafter usurped money, were patently false and were not supported by any shred of evidence. Rather, there was documentary evidence to the effect that the petitioner had been extending financial assistance to the prosecutrix. A prayer has, therefore, been made to extend the concession of bail to the petitioner, as he has now been in custody since 01<sup>st</sup> September, 2020 and 14 prosecution witnesses remain to be examined.

*Per contra* learned State counsel while opposing the prayer and submissions made by the counsel opposite, has submitted that the prosecutrix was a widow, who was not only continuously exploited by the petitioner, but also violated by the petitioner, after putting her under threat. He has further submitted that there was documentary evidence to the effect that the petitioner swallowed Rs. 43.00 lakhs, which were sale proceeds *qua* two plots, in the name of the prosecutrix and when the prosecutrix asked the petitioner to hand her over the aforementioned money, she was threatened with dire consequences.

Learned State counsel has further controverted submissions of the learned counsel for the petitioner of there being no scientific evidence to support the allegations of rape. He has submitted that as the medical examination of the prosecutrix was conducted after almost six days of the alleged occurrence and hence, there arose no question of the semen being detected beyond 72 hours.

Learned State counsel further submitted that since the prosecutrix had supported the case of the prosecution in its entirety and

even the allegations *qua* the siphoning off money of the prosecutrix including her pension, stood duly corroborated from the documentary evidence adduced during the trial, he may not be extended the concession of bail coupled with the fact that the petitioner was involved in two more criminal cases.

I have heard the learned counsel for the parties and perused the material on record.

*Prima facie*, there are serious and specific allegations of rape levelled against the petitioner in the FIR in question. This Court, therefore, does not deem it fit to extend the concession of bail to the petitioner.

Petition stands dismissed. However, anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)  
JUDGE

**December 02, 2021**

*J.Ram*

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