

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

(Sr. No. 207)

CRM-M No. 2902 of 2022

Date of decision : 20.07.2022

Harmeet Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. G. S. Sidhu, Advocate for the petitioner.

Ms. Gunkirat Kaur, AAG, Punjab.

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No. 0164 dated 07.12.2021 registered under Sections 376 IPC at Police Station Nathana, district Bhatinda.

On 09.02.2022, this Court had passed the following order : -

“ Prayer in this petition is for grant of anticipatory bail to the petitioner in case FIR No.0164 dated 07.12.2021 under Sections 376 IPC registered at Police Station Nathana, District Bathinda.

Learned counsel for the petitioner submits that a highly unbelievable story has been brought forth by the prosecutrix. While inviting the attention of this Court to the allegations levelled in the FIR which is annexed as Annexure P-1, he submits that as per the allegations when the prosecutrix along with her family including her husband was sleeping in their house on the intervening

night of 04/05.12.2021 she heard noise from her courtyard of someone unchaining her cattle. On coming out, she saw that it was her neighbour i.e. the petitioner who was standing there. The petitioner then caught hold of the prosecutrix and demanded cash and gold. On account of the threat extended by the petitioner, the prosecutrix went inside her house and handed over Rs.3 lakhs and approximately 4 tolas of gold which was lying inside the house. Thereafter the petitioner established forcible physical relations with the prosecutrix. Feeling distressed, the prosecutrix consumed poison and was thereafter removed to the hospital. Learned counsel contends that it could not be digested that even though her entire family was in the house at the time of alleged occurrence as per her own version, the prosecutrix did not even once raise any hue and cry and strangely quietly went inside her house, got her valuables and money and handed over to the petitioner. Learned counsel contends that it could not also be believed that the petitioner could have raped the prosecutrix in the aforesaid circumstances and that too inside her own house. He still further submits that the delay of 03 days in lodging of the FIR even though it was a matter of record that she was found fit on the very day of her admission in the hospital further lent credence to a concocted version having been brought forth. It has been still further submitted that there was even no medico legal report to support the allegations of rape. Learned counsel submits that since it was not even the case of the prosecutrix that the petitioner at the time of alleged occurrence was armed with any lethal weapon and as a result of which she was under severe threat, it could not be believed that she would have entered the house, collected all her valuables and jewellery and come out without anyone from her family being attracted by the activity taking place.

Notice of motion for 20.07.2022.

At this stage, Mr. Gurmeet Singh Saini, Advocate has put in an appearance on behalf of the complainant and he undertakes to file his power of attorney in the Registry of this Court.

Meanwhile, the petitioner is directed to join the investigation and appear before the investigating agency as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C. ”

Learned State counsel submits that under the afore-quoted order passed by this Court, the petitioner has joined and cooperated with the investigation and that his custodial interrogation is not required by the State.

After considering the submissions made on behalf of the petitioner in the afore-quoted order and the statement made on behalf of the State, the interim order of this Court dated 09.02.2022, granting ad interim anticipatory bail to the petitioner is ordered to be made absolute.

20.07.2022

sunil yadav

**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No