

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

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**CRM-M-12955-2021
Decided on : 19.01.2022**

Dharminder Singh

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. Vinod Ghai, Sr. Advocate with
Ms. Kanika Ahuja, Advocate
for the petitioner(s) (in CRM-M-12955-2021).

Mr. Pawan Kumar, Sr. Advocate with
Mr. Surya Kumar, Advocate
for the petitioner(s) (in CRM-M-14730, 19204, 17432-2021).

Mr. V.K.Sharma, Advocate
for the petitioner(s) (in CRM-M-18036-2021).

Mr. Sukhbir Maandi, Advocate
for the petitioner(s) (in CRM-M-19414-2021).

Mr. Naveen Bawa, Advocate
for the petitioner(s) (in CRM-M-15099-2021).

Ms. Jaspreet Kaur, AAG, Punjab
assisted by ASI Gyan Singh.

Mr. Harinder S. Ishar, Advocate
for the complainant (in CRM-M-19414-2021).

Mr. Maninder Singh Saini, Advocate
for the complainant (in CRM-M-14730-2021).

MANJARI NEHRU KAUL, J. (Oral)

This order shall dispose of CRM-M-12955-2021, CRM-M-14730-2021, CRM-M-15099-2021, CRM-M-17432-2021, CRM-M-18036-2021, CRM-M-19204-2021 and CRM-M-19414-2021, as the issue involved in all the cases is similar and the cases emanate from the same FIR. However, the facts are being extracted from CRM-M-12955-2021.

The present petition has been filed under Section 438 Cr.P.C.,

for grant of anticipatory bail to the petitioner(s), in case FIR No. 340, dated 10.07.2020, registered under Section 346 of IPC [later on added Sections 376-D, 328, 120-B, 506, 166-A, 34 of IPC and Sections 3, 4 & 5 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989], registered at Police Station City Barnala (Annexure P-1).

Learned Sr. counsel *inter alia* contends that there was no material on record to suggest the commission of alleged gang rape on the prosecutrix much less any medical evidence qua her alleged hospitalisation subsequent to the gang rape wherein she allegedly received injuries on her private parts. Learned senior counsel has further vehemently contended that though the doctor at Civil Hospital, Barnala had declared her unfit on 20.02.2021 and 21.02.2021 on the ground of being under the influence of drugs and sedation, however, strangely there was no specific opinion of the doctor concerned as to the reason(s) of her being sedated and that too so heavily that she remained unfit and unconscious for two days after her admission in the Civil Hospital, Barnala. He, while referring to the second statement of the prosecutrix recorded under Section 164 Cr.PC further submitted that as per her own admitted case, she fled to her parents house on 15.02.2021 from the clutches of the accused but strangely, it was after five days i.e. on 20.02.2021, she was hospitalized from which it was discernible that she had been sedated and drugged after her arrival at her parents house on 15.02.2021. He therefore, submitted that in the absence of any medical ailment much less injuries on her person having been noticed by the doctor at Civil Hospital, Barnala as also there being no medical record qua the alleged gang rape, it left no manner of doubt that a false case had been planted upon the petitioner(s) on account of the pressure exerted upon the prosecutrix by her family.

Learned Sr. counsel further submits that in compliance of the order dated 25th October, 2021, the petitioners had joined investigation and cooperated with the investigating agency.

Learned State counsel assisted by learned counsel for the complainant(s), on instructions from ASI Gyan Singh, does not dispute the factum of the petitioners having joined investigation. She on further instructions, submits that the petitioners are not required for further investigation, much less, for their custodial interrogation.

Learned State counsel also further submits that during investigation, the investigating agency had not found any substance in the allegations levelled against the petitioners i.e. Lakhwinder Singh and Baljit Kaur (in CRM-M-15099-2021), as a result of which, they had been declared innocent and placed in column No.2.

Learned counsel for the complainant(s) have, however, opposed the prayer for the grant of anticipatory bail to the petitioners and reiterated the allegations levelled against them in the FIR in question.

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

As per the learned State counsel since the petitioners have joined investigation and cooperated with the investigating agency, they are not required for further investigation. Resultantly, the present petitions stand allowed and interim order dated 25th October, 2021, is made absolute, subject to the conditions laid down in Section 438(2) Cr.P.C. However, anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case(s).

(MANJARI NEHRU KAUL)
JUDGE

January 19, 2022

J.Ram

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