

HARMAN SINGH

... PETITIONER

V/S

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Ms. Hanima Grewal, Advocate for
Mr. Ripudaman Singh Sidhu, Advocate for the petitioner.

Mr. Hittan Nehra, Addl. A.G. Punjab.

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VIVEK PURI, J. (ORAL)

Reply by way of affidavit of Sukhwinder Singh, Deputy Superintendent of Police, Sub Division Amloh, District Fatehgarh Sahib, on behalf of the respondent has been placed on record.

Petitioner is seeking anticipatory bail in case bearing FIR No. 29 dated 12.02.2022 under Sections 323, 354, 376, 511 IPC, registered at Police Station Amloh, District Fatehgarh Sahib.

Briefly, the case has been registered on the statement of the prosecutrix alleging that on 11.02.2022, the petitioner along with her daughter was returning back to her house after paying obeisance at her native place. At about 7:40 P.M., the petitioner along with Amrik Singh and one known person was standing at the spot and the prosecutrix was stopped and her daughter dropped from her lap. The petitioner along with the co-accused pulled her in the wheat crop fields, Amrik Singh caught hold of her from the arm and the petitioner caught hold of her salwar, tried to commit rape and also tore her clothes. She sustained injuries on the shoulder.

Meanwhile, the husband and brother-in-law of the prosecutrix were attracted at the spot and the petitioner along with co-accused inflicted injuries upon the husband of the prosecutrix. Thereafter they managed to slip away from the spot.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the instant case. The FIR has been lodged as a counter-blast to FIR No. 25 dated 09.02.2022, under Sections 323, 341, 354 and 506 IPC registered at Police Station Amloh at the instance of the mother of the petitioner and there is no medical record to substantiate the version of the complainant. Moreover, Amrik Singh, co-accused has been released on regular bail.

The bail application has been opposed on the score that there are serious and specific allegations against the petitioner of having obstructed the way of the prosecutrix, forcibly pulling her in the fields, attempting to commit rape upon her and tearing of the clothes. Furthermore, the prosecutrix has also got recorded her statement under Section 164 Cr.P.C. on 29.03.2022 wherein there are specific and categoric imputations against the petitioner. Amrik Singh, the father of the petitioner was arrested on 12.02.2022 and he was released on regular bail after a period of about one month. Keeping in view the gravity of allegations, the custodial interrogation of the petitioner is necessary for the proper investigation of the case.

It will be too early to conclude that the present case has been registered as a counter-blast to an FIR which has been registered at the earlier instance by the mother of the petitioner. Moreover, absence of medical record will not have significant effect as there are serious

allegations with regard to attempt to commit rape. The prosecutrix was forcibly pulled in the fields. Specific and categorical act has been attributed to the petitioner who tore her clothes and made attempt to commit rape. Merely because Amrik Singh, co-accused has been granted regular bail cannot be termed to be a circumstance to extend the concession of anticipatory bail to the petitioner. The parameters for granting regular and anticipatory bail are quite distinct and different. Anticipatory bail is to be granted in the event extraordinary and exceptional circumstances are made out. The custodial interrogation of the petitioner appears to be essential for thorough probe and proper investigation of the case.

Keeping in view the entire facts and circumstances emerging in the case, no exceptional circumstances are made out to extend the pre-arrest bail to the petitioner.

Dismissed.

20.04.2022

Janki

**(VIVEK PURI)
JUDGE**

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