

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

**Sr. No.216**

**CRM-M-23362-2022**

**Date of decision: 16.08.2022**

Rakesh Kumar Singla

....Petitioner

Versus

State of Punjab

....Respondent

**CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL**

Present: Mr. Suvir Sidhu, Advocate  
Mr. S.S.Gill, Advocate and  
Mr. Pranshul Dhull, Advocate, for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

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**DEEPAK SIBAL, J. (Oral)**

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.0010 dated 29.01.2022 registered under Sections 376, 451, 506 and 120-B IPC at Police Station Bahavwala, District Fazilka.

The prosecutrix filed a complaint with the police as per which co-accused Navi Singla (son of the petitioner) committed rape upon her on the pretext of marriage. He was further accused of being addicted to drugs and withholding of such fact from the prosecutrix before he had physical relations with her. The petitioner is also accused of having withheld from the prosecutrix the afore information with regard to his son being a drug addict as also of having attempted to kidnap her.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case on account of consensual relations between the petitioner's son and the prosecutrix having turned sour; the petitioner has been in custody since 31.01.2022; the petitioner has no other criminal case pending against him; after investigation conducted by the Deputy Superintendent of Police, the petitioner was found innocent; the prosecutrix already stands examined before the Trial Court; the prosecutrix while appearing before the Trial Court as PW-1 has specifically stated that the petitioner never visited her house and that he and his family members

have not committed any offence against her at any time and that since in the petitioner's trial 15 prosecution witnesses still remain to be examined, the same will take a long time to conclude.

Learned State counsel does not dispute the fact that after investigation conducted by a DSP, the petitioner was found innocent and that the prosecutrix while appearing before the Trial Court as PW-1 has given the petitioner a clean chit.

The petitioner has been in custody since 31.01.2022; the petitioner does not face any other criminal case; it is not disputed that after enquiry conducted by a DSP, the petitioner is found innocent; the prosecutrix while appearing before the Trial Court as PW-1 has specifically deposed that the petitioner never visited her house and that he or any of his family members did not commit any offence against her at any time and that since in the petitioner's trial 15 prosecution witnesses still remain to be examined, the same is likely to take a long time to conclude.

Keeping in view the totality of the above facts, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Fazilka, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

A perusal of the FIR reveals specific allegations by the prosecutrix against the petitioner of him having kidnapped her. However, while appearing before the Trial Court the prosecutrix has given the petitioner a clean chit.

In the light of the above, the State shall consider to prosecute the prosecutrix for having lodged a false FIR, in accordance with law.

**August 16, 2022**  
*Jyoti 1*

**(DEEPAK SIBAL)**  
**JUDGE**

Whether speaking/reasoned  
Whether reportable

Yes/No  
Yes/No