

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(Through Video Conferencing)

210

CRM-M-32132 of 2021

Date of Decision:21.01.2022

Chamkaur Singh

---Petitioner

versus

State of Punjab

---Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Gursimram Singh Jossan, Advocate
for the petitioner

Mr. Luvinder Sofat, AAG, Punjab

MANJARI NEHRU KAUL, J.

Prayer in this petition is for grant of anticipatory bail to the petitioners in FIR No.75 dated 28.6.2021 under Sections 376, 506 IPC registered at Police Station, Makhu, District Ferozepur.

Learned counsel submits that the delay of 18 days in the registration of the FIR in question from the date of the alleged occurrence clearly hints at a fabricated and false case having been foisted upon the petitioner. He further submits that it cannot be digested that after being sexually violated and raped, the prosecutrix would not have confided in her parents, with whom she admittedly is living in the same house, qua the crime in question. Still further, learned counsel submits that it cannot be believed that subsequent to the crime in question she was not even subjected to any medical examination much less admitted in a hospital and rather a third person, who does not even reside in the same village as the prosecutrix and is not even remotely connected with her, would have got her admitted in the hospital. Learned counsel submits that in fact it was on account of a money dispute between the parties that the prosecutrix had planted the instant case upon the petitioner. He has invited the attention of this court to Annexure P2, which is a copy of Rapat, wherein the prosecutrix herself in her affidavit stated that she did not want any action to be taken against the petitioner in the MLR relating to the crime in question.

Learned counsel for the petitioner states that pursuant to order dated 10.09.2021, passed by this Court, the petitioner has joined the investigation and co-operated during the investigation.

Learned State counsel on instructions from ASI Sukhbir does not dispute the factum of the petitioner having joined the investigation. He, on further instructions states that the petitioner is not required for further investigation.

In view of the above, the petition is allowed and interim order dated 10.09.2021, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

(MANJARI NEHRU KAUL)
JUDGE

21.01.2022

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