

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(111)

CRM-25891-2022 in/and [CRM-M-29554-2022](#)

Date of decision: 29.07.2022

Gurpreet Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Vikas Bali, Advocate
for the petitioner.

Mr. A.S.Gill, Senior Deputy Advocate General, Punjab.

...

SUVIR SEHGAL, J. (Oral)

CRM-25891-2022

Prayer made in the application is for preponement of hearing of the main case, which is fixed for 01.09.2022.

Noticing the prayer made in the application, it is allowed.

Date of hearing of the main case is advanced to today and the main case is ordered to be taken on Board.

CRM-M-29554-2022

Instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short "the Code") for grant of regular bail in

FIR No.48 dated 13.05.2022, registered for offences under Sections 376, 384, 506 and 120-B of the Indian Penal Code, 1860, at Police Station Payal, Ludhiana, District Ludhiana (Annexure P-1).

Version of the prosecution is that FIR (Annexure P-1) has been registered on the statement of a 26 year old married lady (hereinafter referred to as “the prosecutrix”) on the allegation that in the afternoon on 14.04.2022, when she was doing household work, she was called by a neighbour, Geeta Rani, who was pregnant. When she went to meet her, she saw that Sunyari and Gurpreet Singh (present petitioner) were sitting with her. After some time, Sunyari and Geeta Rani went out of the room and Gurpreet Singh bolted the door, caught hold of her and despite her opposition, sexually assaulted her. In the meanwhile, her grandmother came and on spotting her, he fled away. The prosecutrix suppressed the incident, but Geeta Rani started extorting money from her under the threat that she will viral the video of the incident, which she had prepared. Even though, the prosecutrix paid her, she sent the video to Sunyari, who shared it with some villagers. Thereafter, the prosecutrix lodged the FIR (Annexure P-1).

Counsel for the petitioner has contended that although in her first statement recorded under Section 164 of the Code, the prosecutrix has supported the allegations, but in her second statement recorded a month later, she has not done so. He has placed reliance upon affidavit dated 17.06.2022 (Annexure P-2) executed by the prosecutrix, to submit that there is a panchayati compromise between the parties and that she does not have any objection to the cancellation of FIR. Counsel asserts that the

petitioner, who has clean antecedents, and is in custody since 13.05.2022, deserves to be released on bail.

Per contra, learned State counsel, while opposing the bail, has submitted that the nature of allegations levelled against the petitioner are serious. He, upon instructions, submits that though the charge has been framed, the prosecutrix is yet to be examined.

Mr. Bhisham Kumar Majoka, Advocate has put in appearance on behalf of the complainant and has filed Power of Attorney, which is taken on record. He has, however, supported the prayer made in the petition.

I have heard counsel for the parties and considered the material placed on the record. There are specific allegations against the petitioner of sexually exploiting the prosecutrix, who has duly supported the allegations in her statement recorded before the Magistrate, immediately after the registration of the FIR. The second statement of the prosecutrix, recorded under Section 164 of the Code on 22.06.2022, has been produced by the counsel for the petitioner, which has been examined. There is no denial of the incident by the prosecutrix in the second statement, rather, she has stated that there is some settlement between the parties before the village panchayat and the accused have sought pardon and she has forgiven them for their mistake as she has to spend her life in the village with her daughters. The affidavit (Annexure P-2), upon which reliance has been placed by the counsel for the petitioner, therefore, does not appear to have been executed voluntarily. In any case, it will remain a subject matter of adjudication before the Trial Court.

Keeping in view the totality of the facts and circumstances, the nature of allegations, gravity of offence and the fact that the prosecutrix, who is the most material witness, is yet to be examined, this Court is not inclined to grant post-arrest bail to the petitioner, at this stage.

Petition is dismissed.

It is clarified that nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

29.07.2022
Pardeep

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No