

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

209

(Through Video Conferencing)

CRM-M-35319-2021

Date of decision: 09.02.2022

Amanjot Singh @ Aman

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Bhawesh Chaudhary, Advocate
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab
for the respondent-State.

Mr. Gurvinder Arora, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

This is the first petition filed under Section 439 of the Cr.P.C. for grant of regular bail to the petitioner in case FIR No.71 dated 25.05.2021 lodged under Sections 376 and 506 IPC (Section 3 of the SC/ST Act, 1989 added lateron) registered at Police Station Adampur, District Jalandhar.

Learned counsel for the petitioner submits that totally false and fabricated allegations have been levelled against the petitioner by the prosecutrix of establishing physical relations with her after threatening to circulate certain obscene videos of her with the co-accused Devinder Singh, who too had earlier raped the prosecutrix. Learned counsel submits that since the FIR in question which is silent about the date, time and place of alleged occurrence came to be registered after a delay of 11 months it created a big doubt about the authenticity of the allegations levelled by the prosecutrix against the petitioner. He submits that the petitioner has been in custody since

09.06.2021, investigation is complete and there is no likelihood of the trial concluding in the near future as 24 prosecution witnesses remain to be examined.

Per contra, learned State counsel assisted by learned counsel for the complainant, has vehemently opposed the prayer and submissions made by counsel opposite. Learned State counsel has submitted that no doubt that there is a delay of about 11 months in the lodging of the FIR, however, he submits that after the prosecutrix, who is a married woman was initially raped by co-accused Devinder Singh, who had also prepared a video of the said act. The said video was then handed over to the petitioner by co-accused Devinder Singh. After getting the video, the petitioner after blackmailing the prosecutrix raped her on a number of occasions. It has been submitted that not only did the petitioner and co-accused Devinder Singh rape the prosecutrix but another person i.e. Co-accused Jass too did not spare her as all three of them committed gang rape upon her. The prosecutrix thereafter left for her native place at Jharkhand. However, when she returned after 11 months, the petitioner along with the co-accused again started threatening her and forcing her to establish physical relations as a result of which she was left with no other choice but to report the matter to the police. Learned State counsel has submitted that the prosecutrix had reiterated all the allegations against the petitioner and other accused levelled in the FIR while getting her statement recorded under Section 164 Cr.P.C. Learned State counsel has submitted that since the petitioner and the co-accused had been threatening the prosecutrix it was also one of the reasons for the delay in the registration of the FIR.

A prayer was made to decline the concession of bail to the petitioner as there was every likelihood that he could tamper with evidence and again pressurize the prosecutrix by putting her under threat to depose in his favour.

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

Prima facie there are serious allegations levelled by the prosecutrix against the petitioner of committing gang rape upon her after threatening her with dire consequences. This Court is thus not inclined to extend the concession of bail to the petitioner, more so, since the prosecutrix has not yet been examined. In the circumstances, the instant petition is dismissed.

However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

09.02.2022

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(MANJARI NEHRU KAUL)
JUDGE

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