

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

208

CRM-M-37682-2020

Judgment reserved on :-11.11.2022

Pronounced on:-23.12.2022

Tilak Raj

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Navjot Singh, Advocate for the petitioner.

Mr. P.S. Grewal, DAG, Punjab, for the respondent-State.

Mr. B.S. Bhalla, Advocate for the complainant.

SUVIR SEHGAL, J.

By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973, (for short –“the Code”), petitioner has approached this Court seeking grant of post-arrest bail in FIR No.18 dated 25.01.2010, Annexure P-6, lodged for offences under Sections 376 and 506 of IPC, 1860, at Police Station Sadar (Now Police Station Cantt.), Jalandhar, District Jalandhar.

Case of the prosecution is that FIR, Annexure P-6, has been registered on the complaint of a married lady (hereinafter referred to as “the prosecutrix”) stating that her brother had a matrimonial dispute with his wife, who submitted a false complaint against him, which was transferred to Tilak Raj, present petitioner, for investigation. Tilak Raj told prosecutrix that her sister-in-law is adamant on getting a case registered for demand of dowry, but he can save her from the harassment. He pretended to be her

well-wisher and regularly started coming to her house at Jalandhar as well as at Delhi. On a particular day at Jalandhar, he picked her up for investigation, but instead of taking her to the police station, took her to Golden Colony, Deep Nagar, Jalandhar, raped her and clicked her pictures in the nude. He started blackmailing her. She succumbed under pressure and has been sexually abused by him for the last 05 years. He used to come to Delhi, take her to a hotel and forcibly developed physical relations with her. He was doing the same even at her matrimonial home in the absence of her husband. On 27th August, he came to Delhi took her to a hotel, sexually abused her and insisted that she comes again on the next day. When she refused, he assaulted her at Barakhamba Road at 09.30 a.m. in the morning and resulting injuries on her face. He forced her into an auto rickshaw and took her to a hotel and raped her.

Counsel for the petitioner has urged that physical relationship between the petitioner and the prosecutrix was consensual and the petitioner has been falsely implicated. Counsel submits that the petitioner possesses various greeting cards, Mark 'A to Z-6', in the hand writing of the prosecutrix. He submits that during the pendency of the instant petition, prosecutrix, who is the star prosecution witness has been examined and the petitioner deserves to be enlarged on bail as he is in custody since 31.07.2020.

Opposing the petition, learned State counsel, who is assisted by counsel for the complainant have invited the attention of the Court to the nature of allegations levelled against the petitioner. It has been submitted that the petitioner did not co-operate with the proceedings, was declared as a Proclaimed Offender vide order dated 14.06.2010, his petition seeking grant

of anticipatory bail was declined and he was eventually arrested in July, 2020. While specifically denying the signatures on the greeting cards, counsel for the complainant submits that the petitioner is a manipulator and the signatures on the cards are forged.

I have considered the submissions made by counsel for the parties and have gone through the documents appended with the paper-book with their able assistance.

There are serious allegations against the petitioner, who is accused of sexually and physically assaulting a young lady and has been intimidating her. Various instances of sexual assault have been specifically mentioned in the FIR and have been duly supported by the prosecutrix in her statement recorded under Section 164 of the Code as well as in her testimony. She has been consistent in her stand through-out despite an extensive cross-examination spread over a number of days.

Petitioner is a police official, who probably has not only misused his official position, but has also successfully evaded the process of law for a decade. Petitioner apparently enjoys a clout in the police force and has managed to create a fear in the mind of the prosecutrix to the extent that she apprehended a threat to her life, while her deposition was being recorded. On a request made on her behalf, this Court vide order dated 19.01.2022 passed in this petition, directed that her statement be recorded through the medium of video conferencing. The brazenness of the petitioner is apparent from the fact that he is alleged to have brutally physically assaulted the prosecutrix in full public view in broad day light on one of the busiest roads of the national capital resulting in facial injuries to the prosecutrix. Despite the fact that the complaint was lodged by her

immediately after the incident, but it was after more than a month that an FIR was registered against the petitioner. The argument of counsel for the petitioner that the relationship between the parties was consensual and the reliance placed upon the greeting cards would all be a subject matter, which requires to be gone into by the trial court at an appropriate stage and does not call for any examination or comment by this Court at this stage.

Keeping in view the totality of facts and circumstances, grave nature of allegations levelled against the petitioner, gravity of offence alleged and the high probability of his absconding, if released on bail, disentitles him to any relief in the present petition.

Finding no merit in the prayer made, petition is hereby dismissed.

It is clarified that nothing said hereinabove shall be construed to be an expression of opinion on the merits of case. Trial court shall proceed and conclude the trial as expeditiously as possible, uninfluenced by any observation made hereinabove.

23.12.2022
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No