

In the High Court for the States of Punjab and Haryana at
Chandigarh

CRM-M-38947-2022

Date of Decision: November 09, 2022

Lali Ram

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

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

Ms. Ruchika Sabherwal, DAG, Punjab.

Mr. Sandeep Siwach, Advocate,
for the complainant.

Vivek Puri, J.

The petitioner is seeking anticipatory bail in the case bearing FIR No. 100, dated 06.05.2022, under Sections 376(2)(n), 120-B, 506 IPC (Sections 370 and 377 IPC added later on), registered at Police Station Sadar Nabha, District Patiala.

Briefly, the FIR has been registered on the allegations that the prosecutrix is aged about 19 years and a student of 12th standard in Bhai Kaan Singh Girls Senior Secondary School, Nabha. The petitioner had been following her to the school and forcing her to make friendly relations with her. The petitioner also used to threaten to kill her brother, in the event, she refused to have friendship with

him. The petitioner had been taking the prosecutrix to various places for 20 months and committing rape upon her. On 03.10.2021, he threw the sleeping pills on the roof of the house of the prosecutrix and asked her to administer the same to her family members and come to the house of Dimple Rani, co-accused. On account of fear, the prosecutrix administered the pills to her family members, who fell asleep and she went to the house of Dimple Rani. However, the petitioner did not come there and she was sent by Dimple Rani to Samana with Jaswinder Singh, co-accused, who solemnized marriage with her on 09.03.2022. She was kept in a rented house and rape was repeatedly committed upon her.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated and the prosecutrix has submitted an affidavit (Annexure P-2) which indicates the case has been registered under the pressure of the family and the petitioner along with the co-accused have no role and are innocent. It has been further stated that the petitioner and the prosecutrix were in relationship with each other and has been falsely implicated in the instant case.

The learned State counsel, on the instructions of ASI Rajinder Singh, submits that although the prosecutrix has submitted an affidavit (Annexure P-2), but there is categoric allegation leveled against the petitioner by the

prosecutrix in the statement on the basis whereof the FIR has been registered. Furthermore, in her statement under Section 164 Cr.P.C., the prosecutrix has also implicated the petitioner with the commission of crime. Even the allegation with regard to the commission of anal intercourse has been leveled in the supplementary statement of the prosecutrix recorded on 26.06.2022.

It may be mentioned here that there is a categoric and specific allegation to the effect that the petitioner had been committing rape upon the prosecutrix for a period of 20 months prior to the registration of the FIR. Besides, there are allegations to the effect that she was forced to accompany her on account of threat extended to kill her brother, in the event, she refused to have friendly relations with the petitioner. Besides, in her statement under Section 164 Cr.P.C. and the supplementary statement, the prosecutrix also implicated the petitioner with the commission of crime. Affidavit (Annexure P-2) is indicative of the fact that the possibility cannot be ruled out that an attempt is being made by the petitioner to win over the witnesses. It may also be mentioned here that the petitioner had been threatening to kill her brother. There is no material on record to indicate that the prosecutrix was in consensual relationship with the petitioner. The anticipatory

bail cannot be lightly granted and the same can be granted only in the event exceptional circumstances are made out.

Keeping in view the allegations as spelt out in the FIR, the matter requires thorough probe and investigation and no exceptional circumstances are made out to extend the concession of anticipatory bail to the petitioner.

Present petition is dismissed, accordingly.

November 09, 2022

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(Vivek Puri)
Judge

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