

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

235

CRM-M-42419 of 2020

Date of Decision:-17.01.2022

Mandeep Singh @ Honey

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE MANJARI NEHRU KAUL

(Proceedings conducted through video conferencing)

Present:- Mr. Saurabh Kapoor, Advocate
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

MANJARI NEHRU KAUL J.(Oral)

Petitioner is seeking grant of bail in FIR No.130 dated 23.5.2020, under Sections 376 and 506 IPC (Section 201 IPC added later on), registered at Police Station Division No.2, District Ludhiana.

Learned counsel for the petitioner contends that the petitioner and the prosecutrix were in a consensual relationship, which is evident from the fact that the FIR in question was registered after an unexplained delay of three years from the date of alleged crime. Learned counsel further submits that even qua the allegations of the petitioner having siphoned off Rs.6,00,000/- lakhs after using her ATM card, there was no material on record to substantiate the aforementioned fact. A prayer has therefore been made to extend the concession of bail to the petitioner as he has now been

in custody since 27.5.2020 and the trial is unlikely to conclude in the near future as eight more prosecution witnesses remain to be examined.

Per contra learned State while opposing the petition and submissions made by counsel opposite, on instructions from SI Inder Singh, submits that the petitioner had been raping the prosecutrix after putting her under threat while her husband would be away. Learned State counsel further submits that the petitioner had also taken away the ATM card of the prosecutrix after threatening her and thereafter had siphoned off Rs.6,00,000/- from her Bank account . Learned State counsel still further submits that after siphoning off Rs. 6,00,000/- the petitioner had destroyed the ATM card, as a result of which, the petitioner had also been charged under Section 201 IPC. Learned State counsel has also submitted that the prosecutrix while stepping into the witness box, stood her ground and supported the case of the prosecution in its entirety. In addition, the FSL report further nailed the petitioner in the alleged crime, as the samples of DNA sent to the FSL matched with that of the petitioner. Learned State counsel has vehemently opposed the grant of bail to the petitioner by urging that the petitioner was also a man of criminal antecedents, inasmuch as, he was involved in two more criminal cases i.e. FIR No.132 dated 26.5.2020, under Section 25/54/59 of Arms Act, Police Station Division No.2, District Ludhiana and FIR No.174 dated 3.6.2021, under Section 195-A IPC, Police Station Division No.2, District Ludhiana.

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

Prima facie there are specific and serious allegations levelled

against the petitioner of having raped the prosecutrix after putting her under threat. In addition, after considering the criminal antecedents of the petitioner, this Court does not deem it fit to extend the concession of bail to him.

The petition stands dismissed. However, anything contained hereinabove, shall not be construed to be an expression on merits of the case.

January 17, 2022
Vijay Asija

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No