

CRM-M-11145-2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-11145-2023

Date of Decision:- 17.04.2023

Lal Chand

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:-HON'BLE MS. JUSTICE AMARJOT BHATTI

Present:- Mr. Satwant Singh Rang, Advocate for the petitioner.
Mr. M.S.Joshi, Addl. A.G. Punjab.

AMARJOT BHATTI, J. (Oral)

The petitioner – Lal Chand has filed the instant petition under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No. 13 dated 28.01.2023, under Sections 376 and 506 of IPC, registered at Police Station Division 1, District Police Commissionerate, Jalandhar.

The facts of the case are that the prosecutrix gave her statement that she is 27 years of age and mother of two children. Due to her poor financial condition, her sister-in-law took her to the house of Lal Chand for doing the work of domestic help, cooking meals etc. She accepted the job at wages of Rs. 8,000/- per month. She started working from 16.10.2022. After few days, she noticed that behaviour of Lal Chand was not good but she tried to ignore him. On 27.10.2022, she went to the house of Lal Chand and was cleaning the bedroom, when Lal Chand came inside and bolted the door. He forcibly removed her clothes and despite her protest raped her. She was mentally disturbed. Lal Chand started giving threatening calls that she should meet him or otherwise, he will ruin her reputation. Ultimately, she disclosed this fact to her friend and the matter

was reported to the police.

Learned counsel for the petitioner argued that he is an old man and is being falsely implicated in this case. In fact, the complainant was doing household work. His wife had expired about two and a half years ago. His daughters hired the complainant to do the household work. In fact, she was not doing her work properly and she was not punctual. He confronted the complainant who raised demand for a mobile phone. He purchased the mobile phone for her. Bill of mobile phone is Annexure P-2. She started coming late. He asked her to return his money and under these circumstances, a false FIR has been registered. It is argued that petitioner is ready to join the investigation. He will abide by the terms of bail order. Therefore, his anticipatory bail petition may be allowed.

The bail application is opposed by learned counsel representing the State. Status report is filed. There is statement of victim recorded under Section 164 Cr.P.C. confirming the allegations. He is yet to join the investigation. Therefore his anticipatory bail petition may be dismissed.

I have considered the arguments and have gone through the record carefully. There are specific serious allegations against the present petitioner. I have also gone through the statement of complainant recorded under Section 164 Cr.P.C. in which she again confirmed the said allegations. He is yet to join the investigation. Considering the gravity of offence, in my opinion, the petitioner – Lal Chand is not entitled to the concession of anticipatory bail and the same is accordingly, declined.

17.04.2023

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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No