

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH
Sr. No.: 101

Date of Decision: *April 26, 2023*

1.

Criminal Miscellaneous No.M-18719 of 2023

Gurdip Singh

..... PETITIONER(S)

VERSUS

State of Punjab

..... RESPONDENT(S)

...

2.

Criminal Miscellaneous No.M-18727 of 2023

Des Raj

..... PETITIONER(S)

VERSUS

State of Punjab

..... RESPONDENT(S)

...

3.

Criminal Miscellaneous No.M-18733 of 2023

Harpal Singh

..... PETITIONER(S)

VERSUS

State of Punjab

..... RESPONDENT(S)

...

CORAM: **HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

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PRESENT: - Mr. GPS Bal, Advocate, for the petitioners.

Mr. Jashandeep Singh, Assistant Advocate General,
Punjab.

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Tribhuvan Dahiya, J (Oral)

This order shall decide aforementioned three petitions
arising out of same FIR and involving similar facts and questions of law.

2. The petitions are for grant of pre-arrest bail to the petitioners in case FIR No.177 dated 06.09.2021 under Section 376-D, 506 IPC registered at Police Station, City, Rupnagar.

3. Briefly, as per the allegations in the FIR, the petitioners alongwith co-accused are alleged to have made forcible physical relationship with the complainant by threatening her, who is a married lady, aged 22 years. She was called by the co-accused on the pretext of providing a job in the office of a property dealer, Rupinder Singh @ Kaka, who took her to a room and the offences alleged were committed.

4. Learned counsel for the petitioners contends that petitioners are victim of a honey trap. The complainant with her accomplice has been implicating people in such cases. He refers to an earlier complaint by her on similar allegations, leading to lodging of an FIR No.27 dated 07.03.2016 under Sections 376-D, 342, 506 & 34 IPC at Police Station, Chamkaur Sahib. The accused therein were ultimately acquitted by the trial Court vide judgment dated 02.12.2016 (Annexure A/9). He has referred to another FIR No.52 dated 07.05.2019 under Sections 376 and 376-D IPC at Police Station, Chamkaur Sahib, said to have been lodged by an accomplice of the complainant on similar allegations. The accused in that case were also acquitted by the trial Court vide judgment dated 26.11.2019 (Annexure A/11).

5. It is further contended that the petitioners were found innocent by the investigating agency. They have now been summoned as additional accused by the Sessions Court vide order dated 07.12.2022.

Investigation of the case is already over as challan as well as supplementary challan stand presented to the Court.

6. Learned State counsel, on instructions from ASI Sucha Ram, submits that during investigation, no substance was found in the allegations levelled against the petitioners. The factum of earlier FIRs having been alleged by the complainant and her accomplice, leading to acquittal of accused therein, is also not denied.

7. Submissions made by learned counsel for the parties have been considered.

8. The petitioners have been summoned as additional accused by the Sessions Court to face trial alongwith co-accused, and investigation of the case is already over. Their custody is not required by the investigating agency, nor is there any apprehension expressed that they will influence the witnesses or hamper the trial in any manner. It is, therefore, directed that the petitioners shall appear before the trial Court within ten days from today and on their doing so, they will be admitted to bail on furnishing bail/surety bonds to the satisfaction of trial Court.

9. Allowed accordingly.

(Tribhuvan Dahiya)
Judge

April 26, 2023
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Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No