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

CRM-M-22487-2023

Date of Decision:- 22.09.2023

HARPAL SINGH

....Petitioner

Vs.

STATE OF PUNJAB

...Respondent

CORAM:-HON'BLE MS. JUSTICE AMARJOT BHATTI

Present:- Mr. B.S. Bhalla, Advocate for the petitioner.
Mr. Rozer Kumar Aggarwal, AAG, Punjab.

AMARJOT BHATTI, J. (Oral)

1. The petitioner – Harpal Singh has filed the instant 2nd petition under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No.116 dated 13.09.2022, under Sections 376, 457 & 506 of IPC, registered at Police Station Bhindi Saidan, District Amritsar.

2. The facts of the case are that the prosecutrix gave her statement to the police that on 07.09.2022 her father Malook Singh had gone to Jalandhar for his work and the rest of the family was present in the house. After taking dinner they went to sleep. At about 11.15 pm, she went outside the house to attend the call of nature. She saw Harpal Singh standing there. He entered their house by scaling wall. He caught hold of her arm and took her towards deserted area where he committed forcible rape with her. In the meantime her mother and grandfather Makhan Singh

woke up and they came out to see her. On hearing her voice, they reached there. Harpal Singh threatened to kill her and ran away. She was taken inside the house. On the next day, her father Malook Singh returned home and she disclosed the entire occurrence to him and ultimately the matter was reported to the police on 13.09.2022.

3. Learned counsel for the petitioner argued that the 1st anticipatory bail application [CRM-M-58797-2022] was dismissed as withdrawn vide order dated 28.04.2023 which is Annexure P-3. The allegations levelled against the present petitioner are false. There is delay of 6 days in lodging the FIR. This false FIR has been registered by the prosecutrix under the pressure of her family. He has placed on record different photographs of the prosecutrix with the present petition which are Annexure P-1. The allegations of forcible rape are false. He is ready to join the investigation. Therefore, his anticipatory bail application may be allowed.

4. The detailed status report is filed. The learned counsel representing the State pointed out that as per the medical record the possibility of victim having been subjected to sexual assault cannot be ruled out. She is 18 years old as her date of birth is 05.08.2004. She has levelled specific serious allegations against the present petitioner who is yet to join the investigation. Considering the gravity of offence, he is not entitled to be released on anticipatory bail.

5. I have heard the arguments and gone through the record. The statement of prosecutrix on the basis of which FIR has been recorded clearly indicates that the victim has levelled specific serious allegations against the present petitioner. The investigation of the case is at initial stage. Status report indicates that medical record supports the version of prosecutrix. Therefore considering the specific allegations and gravity of

offence, I do not find a fit case for grant of anticipatory bail and the same is, accordingly, declined.

22.09.2023
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(AMARJOT BHATTI)
JUDGE

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