

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 102

Criminal Miscellaneous No.M-26363 of 2023

Date of Decision: May 29, 2023

Sukhpal Singh

..... PETITIONER(S)

VERSUS

State of Punjab

..... RESPONDENT(S)

...

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

...

PRESENT: - Mr. Abhinav Aggarwal, Advocate for the petitioner.

Mr. Jashandeep Singh, AAG, Punjab.

. . .

Tribhuvan Dahiya, J (Oral)

This is second petition for grant of pre-arrest bail to the petitioner in case FIR No.177 dated 06.09.2021, registered under Sections 376-D and 506 IPC, at Police Station City Rupnagar, District Rupnagar.

2. Briefly, as per the allegations in the FIR, the petitioner 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 petitioner 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.

3. Learned counsel for the petitioner contends that petitioner is 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 20.07.2016 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. 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

4. It is further contended that the petitioner was found innocent by the investigating agency. He has 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. Co-accused, who were summoned as additional accused along with the petitioner vide order dated 07.12.2022, have already been granted bail by this Court vide order dated 26.04.2023.
5. Learned State counsel, on instructions from ASI Baljeet Singh, submits that during investigation, no substance was found in the allegations levelled against the petitioner. The factum of earlier FIRs having been alleged by the complainant and her accomplice, leading to acquittal of accused therein, is also not denied.
6. Submissions made by learned counsel for the parties have been considered.
7. The petitioner has been summoned as additional accused by the Sessions Court to face trial alongwith co-accused, and investigation of the case is already over. His custody is not required by the investigating agency, nor is there any apprehension expressed that he will influence the witnesses or hamper the trial in any manner. It is, therefore, directed that the petitioner will appear before the trial Court within ten days from today and on doing so, he will be admitted to bail on furnishing bail/surety bonds to the satisfaction of trial Court.
8. Allowed accordingly.

(Tribhuvan Dahiya)
Judge

May 29, 2023
payal

Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No