

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

204

CRM-M-26305-2023

Date of Decision: 29.05.2023

Gurwinder Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: Mr. Simranjit Singh Sidhu, Advocate, for
Mr. Anil Mehta, Advocate
for the petitioner.

Mr. Jiteshwar S. Bhandari, AAG, Punjab.

SANJEEV PRAKASH SHARMA, J (ORAL)

Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.69 dated 04.10.2022 under Sections 376-D, 269, 270, 370, 366, 368, 394, 411 and 120-B IPC, registered at Police Station Block Majri, District SAS Nagar.

Learned counsel for the petitioner submits that the facts as stated in the complaint reveal that the prosecutrix is not giving the correct version of the incident in their statement made under Section 164 Cr.P.C. She has mentioned that she was regularly in touch with another lady on phone and also share her live location and if that was so, the incident as alleged would have been reported immediately by the other lady. The facts as has come in the allegations, cannot be said therefore to be correct. Her statement also mentions the exact phone numbers whereas she has stated that her mobile was snatched.

Learned State counsel, on the other hand, has opposed the present petition for grant of regular bail and submits that no recovery has been effected from the petitioner.

This Court has heard learned counsel for the parties and has perused the paper book.

The allegations levelled are that one Baljit came to the prosecutrix in Innova car and picked her to leave for the shooting and took her to one Jalsa Farm where two other persons were standing on the motorcycle. The keys of the car was taken, whereafter they raped her on knife point.

Taking into consideration the overall facts and circumstances of the case and that one of the two persons has been identified by the petitioner in the identification parade conducted by the police for having participated in committing rape, this Court is not inclined to grant bail to the petitioner.

Accordingly, the petition is dismissed.

29.05.2023

D.Bansal

**(SANJEEV PRAKASH SHARMA)
JUDGE**

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