

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

**CRM-M No.31489 of 2022
Date of Decision: 15.09.2023**

Inderjit Singh @ Laddi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Narinder S. Lucky, Advocate,
for the petitioner.

Mr. Gurlal Singh Dhillon, AAG, Punjab,
for the respondent-State.

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MEENAKSHI I. MEHTA, J.

The petitioner herein has sought the relief of regular bail in the criminal case arisen out of the FIR bearing No.25 dated 03.04.2022 registered at Police Station Mehtiana, District Hoshiarpur, under Sections 376, 506, 120-B read with Section 34 IPC.

2. Shorn and short of unnecessary details, the allegations levelled by the complainant-prosecutrix (here-in-after to be referred as 'P') in the subject FIR, are that in February 2020, four Army personnel, including the petitioner, had visited her house for conducting the survey for installing their communication system and had returned. After some time, the petitioner came alone to her place on the pretext of picking up some equipment, inadvertently, left in her house and then, he committed rape upon her and while leaving, he

threatened to make her obscene photos, as clicked by him, go viral in case she disclosed about the above-said occurrence to anyone. Thereafter, by extending the same threat, he forced her to come to Amritsar and on her reaching there, he kept her confined in a room and also repeatedly made physical relations with her. After about two months, she ran away from that place and started residing with her sister and since she remained under depression, therefore she did not share the afore-narrated facts with anyone earlier.

3. Learned State counsel has submitted the Short Reply on behalf of the respondent-State (by way of the affidavit of the Deputy Superintendent of Police, Head Quarter, District Hoshiarpur), along-with Annexures R-1, R-2 and R-3/T and the Custody-Certificate of the petitioner, in the Court today and all these documents are taken on the record.

4. I have heard learned counsel for the petitioner as well as learned State counsel in the present petition and have also perused the file carefully.

5. Learned counsel for the petitioner points out that there is a delay of about two years in lodging the above-said FIR and moreover, as mentioned in the copy of the application (Annexure P-2) preferred by the brother of 'P' to the SSP, Hoshiarpur, 'P' had left her home because of being fed up with her harassment and mal-treatment at the hands of her husband and then, in the copy of the written-note Annexure P-4 as purported to have been signed by 'P', it has been mentioned that she ('P') did not know the petitioner and had no relationship with him and he has also drawn the attention of this Court to the copy of the complaint (Annexure P-5), as shown to have been moved by the petitioner to the afore-mentioned police officer, with the allegations that the husband of 'P' was black-mailing him (petitioner) and he contends that in

view of these circumstances, it becomes quite explicit that the petitioner has been got falsely implicated in the criminal case under reference and it being so, he deserves the relief as prayed for in the instant petition. To buttress his contentions, he has placed reliance upon the judgment rendered by Hon'ble Supreme Court on 23.01.2013 in **Criminal Appeal No. 175 of 2013** titled as **Prashant Bharti vs. State of NCT of Delhi**.

6. Per-contra, learned State counsel argues that 'P' has levelled specific allegations against the petitioner in the above-referred FIR and a perusal of the copy of her ('P's) testimony, recorded by the trial Court (as available on the file), shows that while appearing in the witness-box as PW-1, 'P' has categorically reiterated the allegations, as levelled by her against the petitioner in the FIR and keeping in view the nature of the crime committed by the petitioner, this petition be dismissed.

7. The afore-raised contentions regarding the delay in lodging the FIR and 'P' having left her home due to her having, allegedly, been harassed and mal-treated by her husband and qua the genuineness of the contents of written-note Annexure P-4 and the complaint Annexure P-5, can and shall be looked into and adjudicated upon by the trial Court at the appropriate stage after appreciating and evaluating the evidence that may be led on the record during the course of the trial and the same cannot be decided at the stage of dealing with the present bail petition, especially in the circumstances when as mentioned earlier, 'P' has reiterated the allegations levelled by her against the petitioner in the FIR, at the time of deposing in the trial Court.

8. The observations made by the Apex Court in **Prashant Bharti (supra)**, are of no avail to the petitioner as the facts and circumstances of the

above-cited case are distinguishable from those of the instant one because in the afore-noted case, the complainant had alleged that the appellant had given her a soft drink, laced with some poisonous/intoxicating substance but as per her Medical Report, there was no evidence of poison and moreover, as per the Call Detail Record of the complainant, the appellant had not made any call to her on the day of the alleged occurrence and their locations at the relevant time, were found to be at different places and the Challan had been presented while clearly mentioning therein that the police investigation, from different angles, had not yielded any positive result but however, the Challan was based on the statement of the prosecutrix recorded under Section 164 Cr.P.C which was sufficient for presenting the same for the offence under Section 376 IPC, whereas it is not so in the present case.

9. Keeping in view the above-discussed facts and circumstances as well as the gravity of the offence as alleged to have been committed by the petitioner, this Court is of the considered opinion that he (petitioner) does not deserve the relief of regular bail. Resultantly, the petition in hand stands dismissed accordingly.

15.09.2023
seema

(MEENAKSHI I. MEHTA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>