

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

CRM-M No.30686 of 2023

Date of Decision: 04.07.2023

Manpreet Singh @ Toti

...Petitioner

Versus

State of Punjab

...Respondent

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

Present:- Mr. Sardavinder Goyal, Advocate,
for the petitioner.

Mr. Kunwarbir Singh, Asstt. AG, Punjab.

Mr. Sanjeev Sharma, Advocate,
Legal Aid counsel for the complainant.

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MEENAKSHI I. MEHTA, J.(ORAL)

By way of the instant petition, the petitioner has sought the relief of pre-arrest bail in the criminal case arisen out of the FIR bearing No.151 dated 11.04.2023 registered at Police Station City Barnala, District Barnala, under Sections 376(2)(n), 323, 506 IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Bereft of unnecessary details, the allegations levelled by the complainant-prosecutrix (here-in-after to be referred as 'P') in the subject FIR, are that she was a minor and on one day in January 2021, when she was alone at home, the petitioner came to her house and ravished her and thereafter, whenever her family members were away, he used to come to her house and to rape her while threatening her and on 06.04.2023 also, he

came to her house and had physical relations with her against her wish and incidentally, her mother returned home at that very time and then, he fled away from there while threatening them.

3. Status-report has already been submitted on behalf of the respondent-State (by way of the affidavit of the Deputy Superintendent of Police, Sub Division, Barnala) in the present petition.

4. I have heard learned counsel for the petitioner as well as learned State counsel (assisted by Legal Aid Counsel for the complainant) in this petition and have also gone through the file thoroughly.

5. Learned counsel for the petitioner contends that as per the allegations levelled by 'P', the petitioner had raped her in January 2021 whereas the said FIR has been got registered in April 2023, i.e after more than two years and this delay itself renders the entire version of 'P' highly doubtful and he has further referred to Annexures P-2 & P-3, i.e the copies of the affidavits claimed to have been sworn by Dharam Singh and Amarjit Singh wherein they have made depositions regarding the petitioner having been detained in the Police Station on 06.04.2023 during the period from 08.30 AM to 02.00 PM and he contends that these affidavits also belie the allegations of 'P' qua her having been raped by the petitioner on that day and in these circumstances, the petitioner deserves the relief as prayed for in the instant petition.

6. Per-contra, learned State counsel argues that 'P' was a minor and keeping in view the nature of the offence committed by the petitioner, the present petition be dismissed.

7. In Para No.3 of the Status-report, it has been mentioned that in the matriculation-certificate of 'P', her date of birth has been recorded as 01.11.2005, meaning thereby that she had not attained the age of 18 years and was, thus, a minor on 06.04.2023. The contention regarding the delay in lodging the FIR 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 its effect on the version of 'P' cannot be ascertained while deciding the instant bail petition.

8. So far as affidavits Annexures P-2 & P-3 are concerned, the genuineness of the same can also not be determined at this stage and rather, it would be considered and decided by the trial Court at the relevant stage and hence, these documents are of no avail to the petitioner to seek the concession of pre-arrest bail and even otherwise, the depositions, as made therein, pertain to only one day, i.e 06.04.2023 whereas the petitioner is alleged to have raped 'P' on several occasions since January, 2021.

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 anticipatory/pre-arrest bail. Resultantly, the petition in hand stands dismissed accordingly.

04th July, 2023

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(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned:

Yes

Whether Reportable:

No