

2023:PHHC:107366

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M No.33907 of 2023
Date of Decision: 18.08.2023

Resham Singh

...Petitioner

Versus

State of Punjab

...Respondent

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

Present:- Mr. Sandeep Gahlawat, Advocate
for the petitioner.

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

MEENAKSHI I. MEHTA, J. (Oral)

By way of the instant petition, the petitioner has sought the relief of anticipatory/pre-arrest bail in the criminal case arisen out of FIR No.62 dated 31.05.2022 registered at Police Station Bhindi Saidan, District Amritsar Rural, under Sections 376-D, 506 and 120-B IPC.

2. Bereft of unnecessary details, the allegations, as levelled by the complainant (here-in-after to be referred as 'P') in the subject FIR, are that on 20.07.2021, the petitioner, along-with his co-accused, trespassed into her house and they gang-raped her, while threatening to kill her in case she disclosed about the said occurrence to anyone and they also clicked her objectionable photographs in their mobile-phones and then, on 25.09.2021, they again forcibly entered into her house and gang-raped her.

3. Status-report on behalf of the respondent-State (by way of the affidavit of the Deputy Superintendent of Police, Attari, Amritsar Rural), as filed by learned State counsel in the Court today, is 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 gone through the file carefully.

5. Learned counsel for the petitioner contends that as per the allegations levelled by 'P', she had initially been gang-raped on 20.07.2021 and thereafter, on 25.09.2021 but she had reported the matter to the Police on 12.10.2021 and thus, there is a delay of about 3 months from the date of the first occurrence and 17 days from the day of the second incident, on her part in lodging the FIR and he also refers to Annexure P-2, i.e the copy of the FIR bearing No.0072 dated 30.08.2021 registered at the same Police Station, under Sections 323, 324, 506, 148 & 149 IPC against the family members of 'P', at the instance of the petitioner and he contends that the subject FIR is the counter-blast to the same and further, he draws the attention of the Court to Annexure P-4, i.e the copy of the judgment dated 23.04.2019 passed by learned Additional Sessions Judge/Exclusive Court, Amritsar, qua the acquittal of the accused in the criminal case, allegedly registered on the basis of the complaint made by 'P' and contends that 'P' is in the habit of implicating innocent persons in false criminal cases and in these circumstances, her version, as set-forth in the instant case, is not free from doubt and it being so, the petitioner deserves the relief, as prayed for in the present petition.

6. Per-contra, learned State counsel argues that while making the statement under Section 164 Cr.P.C, 'P' has reiterated the allegations, as levelled by her against the petitioner and his co-accused in the subject FIR and keeping in view the nature of the offence committed by the petitioner, the instant petition be dismissed.

7. The contentions regarding the delay in lodging the FIR and qua the same being a counter-blast to the FIR Annexure P-2 as well as about the truthfulness and veracity of the allegations levelled by 'P' in the present case, can and shall be looked into and adjudicated upon by the trial Court at the relevant 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 instant bail petition.

8. Keeping in view the afore-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.

(MEENAKSHI I. MEHTA)
JUDGE

18.08.2023
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Whether speaking/reasoned: Yes
Whether Reportable: No