

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARHCRM-M 35850/2023
Date of decision: 31.07.2023.

Rajwant Singh @ Wanti

.....Petitioner

Vs.

State of Punjab

.....Respondents

CORAM HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Karnesh Verma, Advocate for the petitioner.

Mr. Pankaj Khullar, AAG Punjab

Nidhi Gupta, J.

Prayer in this first petition under Section 439 Cr.PC is for grant of regular bail to petitioner Rajwant Singh @ Wanti son of Gurjinder Singh in case FIR No.24 dated 16.3.2022 under Section 376(2)(N), 506, 120-B IPC and Section 6 of POCSO Act, 2012, PS Kotwali Nabha, District Patiala.

Ld. counsel for the petitioner inter alia submits that petitioner has been falsely implicated in the matter by the complainant who is father of the victim. It is submitted that the alleged incident is of 27.10.2021, however, FIR has been registered on 16.3.2022 after an inordinate and long delay of almost 5 months. Ld. Counsel submits that there is even no explanation for this inordinately long delay. It is then submitted that the complainant as well as prosecutrix in their depositions, Annexure P-3 and P-4 respectively, have turned hostile and failed to support the prosecution version. It is also submitted that during their testimony, the complainant and prosecutrix failed to identify the petitioner.

On the other hand, ld. State counsel submits that the prosecutrix was 16 years of age at the time of commission of offence. Ld. State counsel further submits that the version of events and the case put forth by the complainant in the FIR (Annexure P-1), and complainant and prosecutrix in their depositions, Annexure P-3 and P-4 respectively, is identical. It is submitted that the complainant and the prosecutrix have supported the case of the prosecution. Ld. State counsel refers to Annexure P-4 which is the deposition of the prosecutrix/PW1 wherein in her examination-in-chief dated 9.11.2022 she has stated that:-

“Accused Rajwant Singh asked me to reach at Arora Sweet Phikhi Turn at 10:30 PM to meet him. I refused but he again threatened me to kill me and my father. Then I left my house at 10:30 PM and reached Arora Sweets Phikhi Arora. Accused Rajwant Singh was already present there in a Car and he took me to a Kothi in Patiala. 6/7 persons already present in that Kothi. Accused Rajwant Singh @ Bhanti and accused Mehakpreet Singh gave me a drink in a room which was a Cold Drink in which Bear(sic) was mixed. Thereafter, accused Rajwant Singh committed rape upon my person in that room. Thereafter, accused Mehakpreet Singh raped me and thereafter other friends of accused raped me, whose names I am not aware of.

On the morning of 28.10.2021 at about 5:00 AM I was dropped by accused Rajwant Singh at Arora Sweet Phikhi Turn. At that time he threatened to make my video viral in case I disclosed the incident to anyone. He further told me that I would be required to come whenever and wherever he would ask me to come. Thereafter, accused Rajwant Singh took me to various places from 26.12.2021 to 30.12.2021 and repeatedly committed rape upon my person. Thereafter, accused Rajwant Singh took me to various places

w.e.f. 14.3.2022 and he and his friends including accused Mehakpreet Singh committed rape upon my person. I used to remained under stress and one day my father probed me as to what had happened, I had disclosed him all the facts on 04.03.2022. Thereafter my father accompanied with Lachman Dass reported the matter to the police. Thereafter I was medically examined at Rajindera Hospital, Patiala, where my pregnancy was also terminated. I was also taken to courts where my statement was recorded by Ld. Magistrate.....

.....At this stage all the 3 accused facing trial produced before victim for the purpose of identification. I identify accused Rajwant Singh and Mehakpreet Singh...”

Ld. State counsel produces custody certificate dated 30.7.2023, which is taken on record, as per which the petitioner has been in custody as undertrial for a period of 1 year 4 months and 12 days. It is further submitted that besides the present case, petitioner is also involved in case FIR no.35/2022 dated 6.6.2022 under Sections 25(7), 25(8) of the Arms Act and Section 411/489 IPC, PS Bakshiwal.

After hearing ld. counsel for the parties and without commenting on the merits of the case, I find that no case for grant of bail is made out at this stage.

Dismissed.

31.07.2023.
Joshi

(Nidhi Gupta)
Judge