

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No.41879 of 2023
Date of decision: 14.12.2023

Satpal Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Nitesh Singla, Advocate,
for Mr. Ravish Bansal, Advocate,
for the petitioner.

Mr. Kunwarbir Singh, AAG, Punjab.

MANISHA BATRA, J.

1. The instant petition for grant of regular bail has been filed under Section 439 of Cr.P.C. by the petitioner seeking regular bail in case bearing FIR No.71 dated 28.09.2022 registered under Sections 376-D and 365 of IPC at Police Station Sadiq, District Faridkot.

2. The gravamen of the allegations as levelled in the FIR is that on 28.09.2022 the complainant "J" (name withheld) got recorded her statement that on 26.09.2022 at about 5-5:15 PM, she was going towards the clinic of Dr. Baldev Singh of her village for taking some medicines. When she was at a some distance from the clinic, suddenly two unidentified persons with muffled faces came to her. They forcibly tied her face with a cloth and took her to a shop of motorcycle repairing services. They forcibly removed her clothing and the cloth with which

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her face was covered and committed rape upon her by taking turns. Thereafter, they shunted her out of the repair shop after opening shutter of the same and also left that place on a motorcycle. While she was going towards her house, she met her husband and brother who had taken her to her house. The entire incident was narrated to them. Her brother had taken her to her parents house and then she was got admitted in Civil Hospital, Sri Muktsar Sahib. She disclosed that now she had come to know that Tarsem Singh and the present petitioner Satpal Singh resident of Village Maan Singh Wala had committed rape upon her. After registration of FIR, investigation proceedings were initiated. The victim was medico legally examined. The petitioner was arrested on 30.09.2022. After completion of necessary investigation and usual formalities, challan under Section 173 Cr.P.C. was presented in the Court and presently the petitioner is facing trial for commission of the aforementioned offences.

3. The present petition has been filed by the petitioner on the grounds and it has been argued by his counsel that he has been falsely implicated in this case. There is a delay of two days in lodging of the FIR which has not been explained. The complainant also did not disclose as to how she came to know the name of the petitioner. The entire story has been falsely concocted by the complainant due to the fact that her husband owed money to the petitioner on account of repair of his motorcycle and had been asking him to pay the same. The complainant had even sworn an affidavit on 01.05.2023 admitting this fact. No marks of external injury were found on the dead body of the victim. The

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prosecution version was unnatural and improbable. Despite there being a hospital in the vicinity of the place of the incident wherein the victim resided, she chose to get herself admitted in Civil Hospital, Sri Muktsar Sahib which was at a far distance and that too one day after the incident. The trial is likely to take time. Hence, it is argued that the petition deserves to be allowed.

4. The respondent-State has filed status report. Learned State counsel has argued that there are serious allegations against the petitioner. The DNA profiling of the blood sample of the petitioner and the co-accused has been compared with the DNA profiling of the human semen detected on the salwar of the prosecutrix and that has matched with that of the present petitioner and the co-accused. In her sworn deposition, the victim has corroborated the version as given in the FIR. The delay has been properly explained. Hence, he has argued that the petition does not deserve to be allowed.

5. The petitioner along with the co-accused is alleged to have abducted the prosecutrix on 26.09.2022 and is alleged to have committed gang rape upon her. In her sworn deposition, the victim has reiterated the allegations as levelled against him in the FIR. The DNA of the seminal stains as detected on the salwar of the victim has matched with the DNA of the petitioner. The allegations against the petitioner are quite serious in nature. There is nothing to show that there would be any undue delay in conclusion of the trial.

6. Keeping in view the gravity and sensitivity of the allegations as

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levelled against the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances but without meaning to make any comment on the merits of the case, I am of the considered opinion that the petition does not deserve to be allowed. Hence, the same is dismissed.

14.12.2023	(MANISHA BATRA)
manju	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No