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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M No.9144 of 2023
Date of decision: 24.05.2024

Pala Singh ... Petitioner

Vs.

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Kuldip Singh, Advocate,
for the petitioner.

Mr. Amandeep Singh Samra, AAG, Punjab.

MANISHA BATRA, J.(Oral)

1. The present petition has been filed under Section 439 of Cr.P.C. seeking regular bail in FIR mentioned below:-

FIR No.	Police Station	Sections
150	Sadar Jalalabad, District Fazilka	376 and 506 of IPC

2. Brief facts relevant for the purpose of disposal of the present petition are that the aforementioned FIR was registered on 10.11.2021 on the basis of statement recorded by the prosecutrix “H” (name withheld) who was lying admitted in a hospital, alleging therein that her husband had died in the year 2015. He owned six kanals of land and after his death, she was cultivating the same. The petitioner who is brother-in-law

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wanted to grab that land but she had been resisting the same. He used to have quarrels with her due to that reason and the complainant had apprised about this fact to her brothers. She alleged that in the year 2019, the petitioner was quarrelling with her when her brother “H” (name withheld) came to her house and they had a scuffle. Her brother had sustained injuries and a case was registered against the petitioner who was on bail now. He had again started quarrelling with her for grabbing the land cultivated by her. She alleged that on 09.11.2021 at about 10:45 AM, when she was alone in her house, the petitioner entered therein and after closing her mouth, he committed rape upon her and then left the spot by extending threats to her. She got herself admitted in the hospital. Her medical examination was got conducted. After registration of FIR, investigation proceedings were initiated. The statement of the prosecutrix was also recorded under Section 164 of Cr.P.C. The petitioner was arrested on 10.11.2021. After completion of necessary investigation and usual formalities, challan was presented in the Court and presently, the petitioner is facing trial for commission of aforementioned offences. He moved an application for grant of regular bail before the learned trial Court which was dismissed vide order dated 25.11.2022.

3. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he has been falsely implicated in this case. He is in custody since 10.11.2021. Infact, there was some land dispute between the prosecutrix and the petitioner. On

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09.11.2021, at about 10:30-11 AM, a quarrel had taken place between his wife and the prosecutrix and the petitioner got them freed by intervening but while leaving, the prosecutrix had extended threat to implicate him falsely in a case. Even panchatyat meeting was also convened. Previously also, a false case under Section 324 of IPC was registered against him. There was delay of one day in reporting the matter to the police which has not been explained. He is in custody since 10.11.2021. Investigation has since been completed. Trial is likely to take time. There are no chances of his intimidating the prosecutrix as she already stands examined. His further detention would not serve any useful purpose. Hence, it is argued that the petition deserves to be allowed and he deserves to be released on bail.

4. Status report has been filed by the respondent-State as per which, after conducting thorough investigation in the matter, challan was presented against the petitioner. It is also submitted that the blood samples of the petitioner were compared with the human semen detected on the shirt of the prosecutrix and the same had matched, thereby strengthening the allegation that he had ravished the prosecutrix. The allegations against the petitioner are serious in nature. There are chances of his absconding, if extended benefit of bail. Therefore, it is argued that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner and learned State counsel at considerable length and have gone through the material

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placed on record.

6. The allegations against the petitioner are that on 09.11.2021 at about 10:45 AM, he had entered inside the house of the prosecutrix who is her real sister-in-law and had ravished her and also extended threats to her. The petitioner has placed reliance upon Annexure P-2 which is a copy of a joint statement shown to have been executed by some co-villagers before SHO, PS, Sadar, Jalalabad on 19.11.2021 to the effect that on 09.11.2021, at about 10:30-11 AM, an altercation had taken place between the wife of the petitioner and the prosecutrix, they were physically manhandling each other and by intervening, the petitioner had got them freed and sent them to their respective homes and at that time, the prosecutrix had proclaimed that she would ensure sending him to jail. This statement also says that nothing wrong was done by the petitioner with the prosecutrix at that time. A copy of the sworn deposition of the prosecutrix has also been placed on record which shows that she supported the version of the prosecution while stepping into the witness box. There are specific and serious allegations against the petitioner. The human semen detected on the clothing of the prosecutrix has matched with the DNA blood profile of the petitioner. At this stage, no conclusion can be drawn as to the veracity of Annexure P-2. It is for the trial Court to arrive at a conclusion with regard to the involvement of the petitioner in this case on the basis of thorough assessment and evaluation of the evidence to be produced before it and not for this Court while

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considering the plea for grant of bail to the petitioner. Keeping in view the gravity of the allegations as levelled against the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances, I am of the considered opinion that the petition does not deserve to be allowed at this stage. Hence, the same is dismissed.

7. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

24.05.2024
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No