



Sr. No.220

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

**CRM-M-27992-2024 (O&M)
Date of decision: 30th September 2024**

MALKIT SINGH @ BUNTYPetitioner

versus

STATE OF PUNJAB AND ANOTHERRespondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Kanwaljit Singh Derabassi, Advocate
for the petitioner.

Ms. Himani Arora, AAG, Punjab.

Mr. Akashdeep Miglani, Advocate
for the complainant.

HARPREET KAUR JEEWAN, J.

1. The instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 seeking regular bail in case FIR No.251 dated 14.12.2022, under Sections 376, 307, 379-B, 354-A, 354-B, 342, 324, 323, 511, 506 read with Section 34 IPC, 1860, registered at Police Station Sadar Kharar, District SAS Nagar (Annexure P-2).
2. Learned counsel for the petitioner submits that charges have been framed. The material witnesses i.e. Navjot Singh (PW-2), Ajay Kumar (PW-3), Dinesh Kumar (PW-4) and Seema (PW-5), apart from the prosecutrix (PW-1), have already been examined. The material witnesses have not supported the case of the prosecution. It is further submitted that the petitioner is in custody since 14.12.2022. He is the sole bread-winner in the family. The victim has only sustained simple injuries. Hence, offence under section 307 IPC is not made out.



3. Learned State counsel as well as the counsel for respondent No.2 have opposed the present petition on the ground of gravity of allegations levelled against the petitioner.

3.1 Learned State counsel has filed short reply dated 30.09.2024, by way of an affidavit of Sh. Karan Singh Sandhu, PPS, Deputy Superintendent of Police, Kharar-I, District SAS Nagar (Mohali), on behalf of respondent-State of Punjab, which is taken on record.

4. I have heard the counsel for the parties and perused the relevant documents.

5. As per the allegations in the FIR, on 13.12.2022, at about 09:00 pm, the prosecutrix, aged about 26 years, who was working as a staff nurse in Fortis Hospital, Mohali, hired an auto for going to Kharar. The petitioner was also sitting in the said auto. On her way, the petitioner made an attempt to commit rape upon the prosecutrix and she was manhandled. She tried to save herself and even slapped the petitioner in her defence. However, the petitioner attacked her with a screwdriver and gave an injury on her neck. The driver of the auto gave a knife to the petitioner. The victim tried to jump out of the auto. She fell out of the auto but the petitioner dragged her to a nearby area. She was hit on her hands and nails with a screwdriver. She tried to run on the road seeking help. Even the passersby were attracted. The clothes of the prosecutrix were torn out. After taking the mobile phone of a passerby, the victim made a phone call to her family members and they reached at the spot. The prosecutrix was taken to Civil Hospital, Kharar from where, she was shifted to Fortis Hospital, Mohali for treatment.



6. As per the medical legal examination report (Annexure R-1), there were 11 injuries on the person of the prosecutrix, out of which, four injuries were inflicted with sharp-edged weapon.
7. Keeping in view the gravity of allegations levelled against the petitioner and the manner in which the offence was committed and also in view of the fact that the prosecutrix has supported her version during the trial, no ground is made out to release the petitioner on bail.
8. Consequently, the present petition stands dismissed.
9. Pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

30th September 2024
simran

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>