



CRM-M-31488-2024 (O&M)
102

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-31488-2024 (O&M)
Date of Decision: 05.07.2024

AVTAR SINGH

.....PETITIONER

Vs.

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present:- Mr. Anoop Singla, Advocate,
for the petitioner.

Ms. Himani Arora, A.A.G., Punjab.

HARPREET KAUR JEEWAN J. (ORAL)

1. The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No. 0093, dated, 07.11.2022, registered at Police Station Bajakhana, District Faridkot, under Section 376 of the IPC.

2. Learned counsel for the petitioner *inter alia* contends that the alleged occurrence took place on 04.11.2022, whereas the victim got herself allegedly admitted in the hospital on 06.11.2022.

2.1 It is further contended that the menstrual period of the victim started from 05.11.2022 and the bleeding could have been due to the said circle. The petitioner has been falsely implicated. He is ready to join the investigation.

3. Notice of motion.

4. Having received advance copy of the petition, Ms. Himani Arora, A.A.G., Punjab, accepts notice on behalf of the respondent-State

**CRM-M-31488-2024 (O&M)**

and on instructions from ASI Sukhdata Singh, has informed that the Medico-legal Examination of the victim was done and even the report of the Forensic Science Laboratory, Punjab, has been received, which is against the petitioner. The petition has been opposed on the ground of gravity of allegations. A copy of the Medical Examination Report and a copy of the report of the Forensic Science Laboratory, Punjab, have been supplied in Court today by learned State counsel. The same are taken on record.

5. I have considered the aforesaid facts and circumstances.

6. As per the prosecution case, the prosecutrix along with her two minor children was living in her parental home as there was a '*Panchayati*' divorce due to matrimonial dispute. She was introduced to the petitioner through her so called brother Kuldeep Singh and she was engaged as a maid to stay in the house of the petitioner for doing household work. It is in allegation that on 04.11.2022, the petitioner slept in the '*Varanda*' of the house of the petitioner after completing the household work and next day on 05.11.2022 when she woke up, she noticed that she was naked and even blood was oozing out of her private parts. She called her the aforesaid Kuldeep Singh and went to her parental home. On 06.11.2022, she got her admitted in the Civil Hospital, Jaitu.

7. The State counsel has shown the copy of the statement of the prosecutrix recorded under Section 164 Cr.PC. by the Area Magistrate, wherein the prosecutrix has supported her version in the FIR. The State counsel has also shown the copy of the Forensic DNA test report, dated 20.02.2023, as per which the human semen was detected on the vaginal



CRM-M-31488-2024 (O&M)

swabs and smears on slides stated to be of the victim. Copy of the Medico-legal report also reflects that the victim has been given the history of sexual assault, where she has given the following detailed history:-

“History/Brief description of the incident (as narrated by the victim/acquaintance).

As per history given by the victim, she had started to work at the residence of Avtar Singh NRI of Village Dodh from 28.10.2022. She used to stay for the night too. She had been given some intoxicant in a cup of tea around 07 p.m. to 08:00 p.m. on 04.11.2022 and had dinner after the tea. She got completely intoxicated and become unconscious. She was sexually assaulted during intoxicated state. She woke up around 05 a.m. to 06:00 p.m. and found herself naked. She came out the room and wore another pair of clothes and called her brother at 06:00 a.m. She came out of that house around 12 noon of 05.11.2022. She attended Emergency of Civil Hospital Kotakpura on 06.11.2022 at 05:45 p.m. with alleged of sexual assault for medico legal examination.”

8. In view of the gravity of the allegations against the petitioner and considering the facts that the victim was a maid and there are allegations of sexual abuse when she was staying in the house to assist the petitioner for rendering household services, no ground is made out for grant the concession of anticipatory bail.

9. Consequently, the present petition stands dismissed.

10. It is made clear that nothing observed hereinabove will be taken to be an observation on the actual merits of the case, which would be gone



CRM-M-31488-2024 (O&M)
into by the learned trial Court wholly on the basis of evidence led/gathered
before it.

11. Pending miscellaneous application(s), if any, shall also stand
disposed of.

July 05, 2024	(HARPREET KAUR JEEWAN)	
nitin	JUDGE	
	Whether Speaking	Yes/No
	Whether reportable	Yes/No