

2024:PHHC:169418



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRA-S No.2052 of 2023
Date of Decision: 17.12.2024

Davinder Singh

...Appellant

Versus

State of Punjab and another

...Respondents

CORAM: *HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA*

Argued by:- Mr. Jasmeet Singh Ghumman, Advocate
for the appellant.

Ms. Arundhati Kulshreshtha, AAG, Punjab
for respondent No.1-State.

Mr. Amit Dhawan, Advocate
for respondent No.2.

MEENAKSHI I. MEHTA, J.

By way of the instant appeal, the appellant has laid challenge to the order passed by learned Additional Sessions Judge, Jalandhar on 13.07.2021, whereby the application moved by him for seeking the relief of regular bail in the criminal case arisen out of FIR No.71 dated 25.05.2021 registered at Police Station Adampur, District Jalandhar under Sections 376 and 506 IPC {wherein the offence under Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'the SC/ST Act') is stated to have been added later-on}, had been dismissed and he has further prayed that he be extended the above-said relief.



2. Bereft of unnecessary details, the allegations, as levelled by the complainant-prosecutrix (here-in-after to be referred as 'P') in the subject FIR, are that the appellant forced her to talk to him on mobile phone by threatening that otherwise, her children and husband would not be spared. Thereafter, he administered some substance in her cold-drink and raped her and made her video-clip and made it viral and later-on, his (appellant's) co-accused named Amanjot Singh and Jass followed the suit.

3. Status-Report has already been filed on behalf of respondent No.1-State, by way of the affidavit of the Deputy Superintendent of Police, Sub Division Adampur, Jalandhar (Rural).

4. I have heard learned counsel for the appellant as well as learned State counsel for respondent No.1 and also learned counsel for respondent No.2 in the present appeal and have gone through the record/file carefully.

5. Learned counsel for the appellant has contended that there was a long delay in lodging the FIR and moreover, during the investigation, no video-clip had been recovered and there was no material on the record to establish that the appellant had contacted his afore-named co-accused regarding any such video-clip and also to constitute an offence under the SC/ST Act and rather, the relationship between the appellant and 'P' was consensual and to add to it, the appellant has been behind the bars since 25.05.2021 and in these circumstances, the instant appeal be allowed and he (appellant) be granted the relief of regular bail.

6. Per contra, learned State counsel and learned counsel for respondent No.2 have argued that the appellant raped 'P' by threatening to



kill her husband and children and in view of the gravity of the crime as committed by him, this appeal be dismissed.

7. As regards the contentions qua the delay in lodging the FIR and no video-clip having been recovered and no material having been brought on the record to show that the appellant had contacted his above-named co-accused regarding any such video-clip and also to constitute any offence under the SC/ST Act and the relationship between the appellant and 'P' being a consensual one, the same can and shall be looked into and adjudicated upon by the trial Court at the appropriate/relevant stage, after appreciating and evaluating the evidence as may be brought on the record during the course of the trial and these cannot be decided at the stage of dealing with the present bail petition.

8. So far as the period of custody as undergone by the appellant is concerned, it is worth-while to mention here that during the course of the arguments, learned State counsel, on the instructions from SI Premjit Singh from the afore-mentioned Police Station, informed the Court that out of total 24 prosecution witnesses, 15 witnesses had been examined by the trial Court and 09 witnesses had been given up by the prosecution and only 01 witness was left to be examined and the case was scheduled to be listed before the trial Court on 18.12.2024 for the above-said purpose, meaning thereby that the trial proceedings are nearing the conclusion and even otherwise, in view of the nature of the offence as alleged to have been committed by the appellant, mere afore-referred period of his incarceration cannot be construed to be a cogent and valid ground/reason to grant the relief of regular bail to him.



9. As a sequel to the fore-going discussion, it follows that the impugned order does not suffer from any illegality, infirmity, irregularity or perversity so as to warrant any interference by this Court and the appellant does not deserve the relief of regular bail. Resultantly, the appeal in hand, being *sans* any merit, stands dismissed accordingly.

17.12.2024
pooja

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable: No