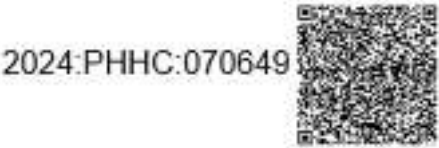


Neutral Citation No. 2024:PHHC: 070649



IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

209

CRM-M-60231-2023 (O&M)
Date of decision: 20.05.2024

Gurnam Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Lalit Pathak, Advocate
for the petitioner.

Mr. A. S. Samra, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed by the petitioner under Section 439 Cr.P.C., is for grant of regular bail in case bearing FIR No. 55 dated 29.03.2023, registered under Sections 354, 376, 506, 511 of IPC and Section 25, 27 of the Arms Act at Police Station Sadar Khanna, District Ludhiana.
2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on 29.03.2023 on the basis of a written complaint filed by the complainant/victim 'A' (*name withheld*) alleging therein that the present petitioner used to run a dairy in front of her house. On 17.03.2023, at about 09.15 PM, he entered into her house and asked for a glass of water, which was given by the victim. However, thereafter, he caught hold of her and tried to outrage her modesty.

Neutral Citation No. 2024:PHHC: 070649

The victim resisted and by using force against her, he forcibly removed her clothing and by showing a pistol threw her on a bed and attempted to commit rape upon her. She raised alarm, on hearing which, her father-in-law, who was sleeping in a room of the backyard of the house, rushed to the spot and on seeing him, the petitioner fled away while extending threat to kill her and her father-in-law, if she reported the incident to anyone. She also alleged that the factum of his entering into her house was captured in the CCTV camera installed outside the house of one of her neighbours. She also submitted that the incident was firstly reported to the village Sarpanch to save the honour of the family and was then reported to the police. After registration of the FIR, investigation proceedings were initiated. The petitioner moved an application for grant of pre-arrest bail but withdrew it on 25.04.2023. He could not be apprehended. Proceedings under Section 82 Cr.P.C. were initiated against him and he was declared a proclaimed person. He was arrested later on and he is in custody since 06.09.2023. After completion of necessary investigation and usual formalities, challan under Section 173 of Cr.P.C. has been presented in the Court and presently, the petitioner is facing trial for commission of aforesaid mentioned offences. He had moved an application before the trial Court for grant of regular bail but the same had been dismissed, vide order dated 17.10.2023.

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 delay of 07 days in lodging of the FIR, which has not been explained satisfactory. In fact, on the fateful day, he had gone to the house of the victim to give invitation to her husband for the marriage of

Neutral Citation No. 2024:PHHC: 070649

his son, which was to take place on 19.03.2023. He is a *Panchayat* member and since he had been lodging complaints against the misdeeds of the village Sarpanch, who is close with the family of the victim, therefore, at his behest, he has been falsely implicated in this case. It is also argued the trial is likely to take time. No useful purpose would be served by keeping him in custody anymore. Hence, it is urged that the petition deserves to be allowed and the petitioner deserves to be granted bail. Copies of the statements of the victim as recorded under Section 164 of Cr.P.C. as well as her examination in chief as recorded before the trial Court have been placed on record by the petitioner.

4. Status report has been filed by respondent-State, as per which, there are serious and specific allegations against the petitioner and the allegation of his making attempt to outrage the modesty of the victim and making attempt to commit rape upon her as well as criminally intimidating her, had been made out after conducting enquiry. The pistol shown by him at the time of occurrence was got deposited by him with the arms and ammunition dealer 4-5 months after the incident. The victim has been partly examined. Her cross examination is yet to be conducted. There are chances of petitioner's intimidating the victim, if extended benefit of bail. Therefore, it is argued that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also gone through the material placed on record.

6. The petitioner is alleged to have entered into the house of the victim on 17.03.2023 and is further alleged to have outraged her modesty; made an attempt to ravish her and is also alleged to have criminally intimidated her by showing her licensed fire arm. There are serious and

Neutral Citation No. 2024:PHHC: 070649

specific allegations against the petitioner. The victim has been partly examined and her cross examination is yet to be effected. The apprehension that he may intimidate the victim, if extended benefit of bail, is not unfounded. Even otherwise, keeping in view the gravity of allegations and the quantum of sentence which the conviction may entail and the attendant facts and circumstances, this Court is of the considered view that the petitioner does not deserve to be given concession of regular bail. Hence, the petition stands dismissed.

7. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

20.05.2024

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	Yes