

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-63569-2023
Date of decision: 28th February, 2024

Pargat Singh @ Bagga

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Naveen Bawa, Advocate for the petitioner.
Mr. A.S. Samra, AAG, Punjab.

MANISHA BATRA, J (ORAL):-

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

FIR No.	Dated	Police Station	Sections
82	17.09.2021	Bhindi Saidan, District Amritsar	376-D and 451 of Indian Penal Code, 1860 (for short 'IPC')

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on 17.09.2021 on the basis of statement recorded by the complainant 'N' (name withheld) alleging therein that some days back, a dispute had taken place between her husband 'G' (name withheld) with their neighbourer Gurnam Singh and others. Due to intervention of the Panchayat members, a compromise was effected and in pursuance of the same, some money was to be given by

family members to Ravel Singh son of Gurnam Singh and his family. On 13.09.2021, at about 7:00 PM, she was present alone in her house when the petitioner alongwith co-accused Ravel Singh and Kulwant Singh and two unknown persons entered inside her house. Raval Singh asked her to give his money. The complainant told him to talk to her husband about that but on finding her alone, all of them, pulled her inside the room of her house and forcibly committed gang rape upon her one by one and thereafter, they left home. Sometime thereafter, her mother-in-law had reached home. She apprised about the incident to her, who advised her to not to talk about the incident to other family members. However, her conscious kept on pricking her and therefore, she reported the matter to the police. After registration of FIR, investigation proceedings were initiated. The victim was medically examined. The petitioner was arrested on 20.07.2023. After completion of necessary investigation and usual formalities, challan was presented in the Court as against the petitioner and he is facing trial for commission of the aforementioned offences.

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. There was delay of four days in reporting the matter to the police. A false story has been projected. The medical examination of the victim was also got conducted after delay of three days. Infact, the FIR lodged by the prosecutrix was a counter blast to the FIR No. 79 dated 15.09.2021 got registered by complainant Rani against one Gurmej Singh who is husband of the prosecutrix and one Goldy. The said Rani is relative of the petitioner and

is real sister of the co-accused. It is argued that no injuries were found on the person of the prosecutrix. As per the medico legal report, no male DNA has been detected on her clothing and vaginal swabs which falsify the claim of the prosecutrix as to her being ravished at the hands of the petitioner and the co-accused. With these broad submissions, it is argued that the petition deserves to be allowed.

4. Status report has been filed by the respondent-State, as per which, the victim had been medico legally examined on 16.09.2021. In her statement recorded under Section 164 of Cr.P.C., she had reiterated the allegations in the complaint. As per the FSL/DNA report, no human semen was detected on the vaginal swabs of the prosecutrix. There are chances of petitioners intimidating the witnesses and misusing the concession of bail, if ordered to be released on bail. Hence, it is argued that petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

6. The petitioner along with the co-accused is alleged to have gang raped the victim after criminally trespassing into her house on 13.09.2021. No doubt there is a delay of four days in reporting the matter to the police. However, it is well settled proposition of law that in such like cases, the delay does not hold much importance. There are specific allegations against the petitioner. The prosecutrix is yet to be examined. A reasonable apprehension has been expressed that the petitioner may intimidate the

witnesses. The fact that an FIR was lodged as against the husband of the prosecutrix by one Rani and this FIR was a counter blast to the same is a question that has to be decided by learned trial Court on the basis of evidence to be produced before it. It is well settled that gravity of offence is a prime consideration for extending/denying benefit of bail to an accused. There is nothing on record to show that there would be any undue delay in conclusion of the trial. Keeping in view the grave nature of offences as alleged to be committed by 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. 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.
8. Since the main petition has been dismissed, pending application if any is rendered infructuous.

[MANISHA BATRA]
JUDGE

28th February, 2024
Parveen Sharma

1. Whether speaking/ reasoned

:

Yes / No
2. Whether reportable

:

Yes / No