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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-24164-2025
Date of Decision:- 11.08.2025

Jatinder Singh

....Petitioner

Vs.

State of Punjab and Anr.

...Respondents

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. M.S.Dua, Advocate
for the petitioner.

Ms. Manjot Kaur, AAG, Punjab.

Mr. Kamil Nagpal, Advocate for respondent No.2.

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AMARJOT BHATTI, J.

1. Petitioner Jatinder Singh filed this second petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of anticipatory bail in FIR No.08 dated 01.02.2024, under Section 376 of IPC, registered at Police Station Vairoke, District Fazilka (Annexure P-1).

2. As per facts of the case, prosecutrix 'P K' gave her statement that she is mother of two sons and a daughter. On 29.01.2024, she was present in the house. At about 3:00 PM her brother-in-law Jatinder Singh entered her room and committed forcible rape with her and thereafter he left the room. She disclosed this fact to her sister-in-law who got her admitted in the hospital. With these allegations present FIR has been registered.

3. Learned counsel for petitioner argued that allegations levelled against the petitioner are false. In fact, property dispute is going on

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between the petitioner and husband of prosecutrix. Husband of the prosecutrix did not inherit any property, as a result the dispute started between petitioner and Gurdial Singh (husband of the prosecutrix). The civil dispute is going on and the order passed by Additional Collector 1st Grade, Jalalabad dated 20.12.2019 is Annexure P-2 and the suit filed by petitioner against Gurdial Singh seeking permanent injunction was decided on 20.12.2022. The copy of said judgment is Annexure P-3. On account of said property dispute, false allegations have been levelled against the petitioner. He is ready to join the investigation. Therefore, his anticipatory bail petition may be allowed. He further submits that first bail application of petitioner bearing CRM-M-11668-2024 was dismissed as withdrawn vide order dated 29.08.2024.

4. Bail petition is opposed by learned counsel representing state assisted by learned counsel for complainant. It is pointed out that there are specific serious allegations levelled by the prosecutrix. Statement of prosecutrix was recorded under Section 164 Cr.P.C on 11.03.2024. In pursuance of order dated 05.03.2024 passed in CRM-M-11668-2024, petitioner was joined in investigation on 13.03.2024 and his blood samples were drawn for DNA analysis and sex ability test. The FSL report dated 14.08.2024 is Annexure R-1 which supports the version of prosecutrix. To complete the investigation, custodial interrogation of petitioner is required. Therefore, he is not entitled to the concession of anticipatory bail.

5. I have considered the arguments and have gone through the record. Prosecutrix has levelled serious allegations of rape against the petitioner. The property dispute going on between the husband of

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prosecutrix and petitioner has nothing to do with the said occurrence. During investigation, the blood samples were sent for Forensic Science Laboratory for DNA analysis. The detailed report is Annexure R-1 confirming the matching of semen on Exhibit A-11 (source : *salwar* stated to be of Paramjit Kaur) belonging to Jatinder Singh (source : Exhibit B). In the light of this, petitioner is required to join investigation. Considering the gravity of offence, I do not find a fit case for anticipatory bail and the same is accordingly declined.

6. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

11.08.2025 **(AMARJOT BHATTI)**
Sunil Devi **JUDGE**

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No

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