

Date of Decision: 19.08.2025

...Petitioner

V/S

...Respondent

CORAM: HON'BLE MS. JUSTICE SHALINI SINGH NAGPAL

Mr. Hitesh Verma, Advocate for the complainant.

SHALINI SINGH NAGPAL J. (Oral)

In the first petition under Section 528 of Bharatiya Nagrik Suraksha Sanhita, 2023, the prayer is for grant of regular bail to the petitioner in case bearing FIR No. 26 dated 29.03.2025 registered under Sections 70, 114(3), 115(2) of Bharatiya Nyaya Sanhita, 2023, Police Station Rureke Kalan, District Barnala.

Prosecutrix, aged 34, lodged the case on the averments that 5-6 months ago, she had a dispute with her husband, against whom she filed an application in Police Station Rureke Kalan, District Barnala. In that context, she came in contact with one Jagsir Singh @ Jagga (petitioner herein) son of Karnail Singh, but no compromise could be reached. Thereafter, she started residing separately from her husband in her parental village Rureke Kalan. Divorce proceedings between her and her husband were yet pending. In the meanwhile, she became more familiar with the petitioner, who promised to divorce his wife and marry her. He arranged P.G. accommodation for her at Bathinda and they both started residing in Bathinda, where he repeatedly established physical relations

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with her, on the promise of marriage. She became pregnant and informed the petitioner regarding the same. Petitioner called her to *Handiaya Chowk* on 28.03.2025 at 06.00 PM, from where he and another unknown person forcibly took her in a vehicle to some fields near village Pakho Kalan. She was taken to the Water Pump of one Gurpreet Singh. There, petitioner gave her some medicine to terminate the pregnancy, which she refused to consume. Petitioner slapped her and both of them then committed forcible sexual intercourse with her, late at night. The other person was being called by the name of 'Satti'. When they were highly intoxicated, she managed to escape and called the police. She was taken to Civil Hospital, Tapa for medical treatment.

Learned counsel for the petitioner *inter alia* submitted that petitioner and prosecutrix were both married to different persons, became involved with each other and stayed together for about 2-3 months. They also filed a protection petition in the Court at Barnala, which they later withdrew. The FIR was got registered on account of an altercation between the lovers. He further submitted that the prosecutrix even refused for medical examination. It was submitted that consensual relations were given colour of criminal offence; that the petitioner was in judicial custody for the last more than 04 months. Thus, he deserved to be enlarged on bail.

Custody certificate of the petitioner as well as status report by way of affidavit of Gurbinder Singh, Deputy Superintendent of Police, Sub Division Tappa, District Barnala on behalf of respondent-State have been filed by learned State counsel.

Learned State counsel assisted by learned counsel for the complainant, refuted the submissions, arguing that petitioner was involved in 11 cases of serious nature, one of them relating to organized crime and another relating to dacoity. There were specific and serious allegations of gang rape against him. It was further submitted that after the incident the prosecutrix remained admitted in the hospital for 06-07 days. DNA report was yet awaited. As such, petitioner did not deserve to be released on bail.

The allegations of gang rape have been levelled against the petitioner and one another. Considering the severity of the crime, grave nature of the offences alleged as also the fact that prosecutrix is yet to be examined before the trial Court, it is not a fit case to enlarge the petitioner on bail. The possibility of the petitioner influencing the witnesses and tampering with evidence cannot be ruled out. Mere period of incarceration suffered by the petitioner is not a sufficient ground to enlarge him on bail.

In the given facts and circumstances of the case, but without commenting on the merits of the case, the petition stands dismissed.

19.08.2025	(SHALINI SINGH NAGPAL)	
Ajay Goswami	JUDGE	
	Whether speaking/reasoned	Yes/No
	Whether reportable	Yes/No