

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**Crl. Misc. No. M-25304 of 2015
Date of decision : 06.08.2015**

Balldhir Singh

..... Petitioner

versus

State of Punjab

... Respondent

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

**Present: Mr. G.S. Sidhu, Advocate
for petitioner.**

Mr. Deep Singh, AAG Punjab.

ANITA CHAUDHRY, J.

Petitioner Balldhir Singh is seeking regular bail in FIR No. 126 dated 30.05.2015, registered under Sections 376 and 493 IPC, Police Station City Barnala.

Counsel for the petitioner contends that the prosecutrix is married to Kesar Singh and she has a son who is 7 years old and earlier also she had got a case registered under Sections 279 and 337 IPC and the family of the petitioner had settled the dispute and compromise, Annexure P-4 was arrived at and now she is asserting that she was his wife and is levelling allegations that the petitioner had developed relations with her on the promise of marriage and was now refusing.

It was urged that a petition for divorce had been filed by the petitioner in November 2014 and the matter was pending for 25.05.2015 and till then no divorce had been granted. It was urged that the petitioner is

suffering from 50% permanent disability and the complainant is habitual and has levelled allegations with a view to extract money. He further urged that the petitioner was arrested on 15.04.2015 and challan has been presented and charge has also been framed.

Perusal of record shows that a divorce petition had been filed by the complainant where there is an admission that she was married to Kesar Singh in 2005 and had a seven years old son. Her divorce petition is still pending. The complainant has shown herself as wife of the petitioner and has levelled allegations of rape. She has also made allegation that the petitioner had promised marriage and had physical relations with her but was not ready to admit her as wife and had thus played fraud.

The trial would take long. Without commenting on the merits of the case, the petition is allowed on the condition that the petitioner will not try to contact the complainant. The petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of trial Court.

August 06, 2015
Jiten

(ANITA CHAUDHRY)
JUDGE