

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

**Criminal Misc. No. M-15954 of 2016
Date of decision: 13.05.2016**

Balwinder Singh @ Binda

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see judgment? Yes/No**
- 2. To be referred to reporters or not? Yes/No**
- 3. Whether the judgment should be reported in the Digest? Yes/No**

Present: Mr. Baljinder Singh, Advocate
for the petitioner.

Ms. Ritu Punj, Addl. A.G., Punjab
for the respondent – State.

Daya Chaudhary, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. on behalf of petitioner-Balwinder Singh @ Binda for grant of regular bail in FIR No.0018 dated 02.02.2016 registered under Sections 354-C, 384 and 511 of Indian Penal Code (Sections 354-A, 354-D, 376, 506 IPC and Section 66(E) of the Information Technology Act, 2000 added subsequently) at Police Station Kurali, District SAS Nagar, Mohali.

Learned counsel for the petitioner submits that no allegation of rape was levelled in the complaint and subsequently, Section 376 IPC has been added just to make the offence more

serious. Investigation of the case has been conducted and challan has been presented. Report of the Chemical Examiner has not been received so far and it cannot be said in any manner as to what evidence has been collected by the Investigating Agency and how offence under Section 376 IPC has been added. The petitioner is in custody since 03.02.2016.

Learned State counsel has not disputed the custody period as well as non-receipt of Chemical Examiner's report but opposes grant of regular bail to the petitioner on the ground that in the supplementary statement, specific allegations of commission of rape were levelled.

Heard arguments of learned counsel for the parties and have also perused the allegations levelled in the FIR and other documents available on the file.

Admittedly, the report of Chemical Examiner has not been received so far and no opinion of the doctor was there when offence under Section 376 IPC was added. The victim is stated to be 50 years of age and in the initial statement, nothing has been mentioned as to whether the rape was committed or not. Simply it has been mentioned that certain objectionable photographs were taken and thereafter, the accused started to blackmail and harass the victim and money was also demanded from her. No date and time has been mentioned as to when the victim was threatened and how much money was demanded.

Accordingly, keeping in view the facts as mentioned above, the present petition is allowed and the petitioner (Balwinder Singh @ Binda) is directed to be released on interim bail subject to furnishing bail/surety bonds to the satisfaction of the trial Court till the receipt of the Chemical Examiner's report.

13.05.2016
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(DAYA CHAUDHARY)
JUDGE