

In the High Court of Punjab and Haryana at Chandigarh

CRM -M-1135 of 2017(O&M)
Date of Decision: 20.2.2017

Balwant Singh

---Petitioner

versus

State of Punjab

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. R.K.Chauhan, Advocate
for the petitioner**

**Mr. Ankur Jain, AAG, Punjab
for respondent-State**

Rekha Mittal, J.

The petitioner prays for grant of regular bail in FIR No. 292 dated 8.9.2016 for offence punishable under Sections 366-A, 365 and 363 of the Indian Penal Code (in short "IPC") (offence under Section 376 IPC and Section 5/6 of the Protection of Children from Sexual Offences Act, 2012 added later) registered at police station, Zirakpur, District SAS Nagar, Mohali.

Counsel for the petitioner has submitted that as per allegations raised in the FIR lodged at the behest of Bihari Lal son of Dodi Lal, his daughter (alleged victim) was 17 ½ years old who failed in 10th class examination at the time of alleged occurrence. It is further argued that during course of investigation, the girl was produced before the Court and her statement under Section 164 of the Code of Criminal Procedure (in

short "Cr.P.C.") was recorded wherein she has denied the allegation of kidnapping and further stated that she voluntarily left her house and performed marriage with Balwant Singh (petitioner herein) according to her free will and developed physical relations. It is further submitted that on completion of investigation, challan has been presented in the Court and conclusion of trial is likely to take its own time. The petitioner is ready to face proceedings, in accordance with law.

Counsel for the State has not disputed factual assertions with regard to statement of the victim recorded under Section 164 Cr.P.C. but has opposed the plea for bail on the premise that the prosecutrix is yet to be examined.

I have heard counsel for the parties, perused the paper book and the police record particularly statement of the prosecutrix recorded under Section 164 Cr.P.C.

Be that as it may, as per statement of the prosecutrix, she has exonerated the petitioner of allegations qua kidnapping as well as rape. She was 17½ years old at the time of alleged occurrence. Investigation has already been completed and conclusion of trial is likely to take its own time.

Without commenting upon merits of the case, the petitioner is allowed to be released on bail subject to his furnishing bail bonds to the satisfaction of the trial court. However, he shall abide by the following conditions:-

- (i) He shall not offer any threat, promise or inducement to any person acquainted with the facts of the case so as to dissuade him from disclosing the same to the Investigating Officer/Court; and

(ii) He shall not leave the limits of this country without
prior permission of the Court.

Petition stands disposed of.

(Rekha Mittal)
Judge

20.2.2017

PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No