

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

**CRM No.M-11916 of 2017
Decided on: 02.05.2017**

Balraj Singh @ Laddi	Versus	Petitioner
State of Punjab		Respondent

CORAM: HON'BLE MRS JUSTICE REKHA MITTAL

Present : Mr. Rahul Sharma, Advocate for the petitioner.

Mr. Ankur Jain, AAG, Punjab.

REKHA MITTAL, J. (Oral)

The petitioner prays for grant of regular bail under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.176 dated 04.10.2015, for offence punishable under Sections 376 and 511 of the Indian Penal Code, 1860 (in short 'IPC') and 8 of the Protection of Children from Sexual Offences Act, 2012 (in short 'POCSO Act') registered in Police Station Division No.4, District Ludhiana.

Counsel for the petitioner has submitted that as per the allegations raised in the FIR, the alleged victim was taken inside the house by the accused at 01:00 PM, closed the door, removed her clothes and tried to make physical relations but till 03:30 PM when family members of the girl had gone to the house of the accused in an effort to find her out, the accused came outside the house. It is further submitted that had it been true that the accused took the girl inside his house with an intention to commit rape, he would not have waited for 2 ½ hours and allowed an opportunity to the family of the victim to see the girl in his house. It is further submitted that challan has already been presented

in the Court, material witnesses have been examined but conclusion of the trial is likely to take some time.

Counsel for the State would concede to the facts on record but has opposed the prayer for bail with the submission that in view of gravity of allegations, the petitioner does not deserve to be enlarged on bail.

I have heard counsel for the parties, perused the paperbook and the police records.

On a pointed query by the Court, he (counsel for the petitioner) has informed that the alleged victim, complainant mother and the doctor have already been examined. The petitioner is in custody since 26.10.2015. There is no allegation against the petitioner that he is likely to flee from the process of justice in case enlarged on bail. Conclusion of the trial may take some time. Without meaning to express any opinion on merits of the case, bail to the petitioner subject to satisfaction of the trial Court. However, he shall remain bound by the following conditions:-

- (i) He shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade his/her from disclosing such facts to the Court or to any police officer; and*
- (ii) He shall not leave India without the previous permission of the Court.*

02.05.2017
yakub

(REKHA MITTAL)
JUDGE