

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

Crl. Misc. M-30649 of 2017 (O&M)
Date of Decision: September 19, 2017

Baljit Singh @ Ballo

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Amit Arora, Advocate
for the petitioner.

Mr. Abhaypal Singh Gill, AAG Punjab.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.20 dated 05.04.2016, under Sections 452, 363, 342, 323, 376, 511, 427, 120-B, 148, 149 of Indian Penal Code, registered at Police Station Goindwal Sahib, District Tarn Taran.

Learned counsel for the petitioner contends that initially when the instant FIR came to be registered on 05.04.2016, the petitioner was taken into custody on 10.04.2016. On completion of the investigation, an application was preferred for discharge of the petitioner from judicial custody, which application was allowed and he was released after a period of two months on 13.06.2016. In fact, on completion of investigation, a

cancellation report was prepared. Thereafter, on recording the supplementary statement of the prosecutrix, the Investigating Officer was directed to further investigate the matter. Consequently, the petitioner was again arrested on 17.06.2017 and is in custody since then. Counsel for the petitioner argues that the prosecutrix has been changing her stand time and again. In fact, initially she suffered a statement that no role can be attributed to the petitioner, but in the supplementary statement recorded, she has stated that the petitioner and Bhinda had entered into her house, while she was sleeping. They had beaten her and her sister, while preparing a video. It is argued that even the statement recorded on 16.03.2017 does not make out any allegation under Section 376 of Indian Penal Code, therefore, the petitioner is entitled to be enlarged on bail.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the bail application, while submitting that the offences alleged against the petitioner are serious in nature, therefore, the petitioner is not entitled to grant of regular bail.

I have heard learned counsel for the parties and perused the custody certificate that has been filed.

The petitioner has already been in custody for a period of 05 months and 03 days under the aforesaid FIR and investigation is complete with the challan having been presented, therefore, no useful purpose would be served in keeping the petitioner behind the custody. At this stage, without commenting on the merits of the case, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of

adequate personal bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate.

September 19, 2017
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No