

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 34816 of 2018 O&M)

Date of decision : 11.10.2018

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Balwinder Singh @ Bittu

.....Petitioner

vs.

State of Haryana

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Kanwar Pahul Singh, Advocate
for the petitioner.

Mr. Neeraj Poswal, Assistant Advocate General,
Haryana.

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H. S. Madaan, J.

This petition for regular bail has been filed by petitioner Balwinder Singh @ Bittu, an accused in FIR No. 208, dated 4.5.2018, for offences under Sections 376, 506 IPC, registered at Police Station Baldev Nagar, District Ambala.

Briefly stated, facts of the case as per the prosecution story are that on 3.5.2018, at about 3.00 P.M., while the prosecutrix (name withheld to conceal the identity), a married woman, having two children, was alone in her house. Then petitioner-accused Balwinder Singh @ Bittu, residing in her neighbourhood asked her to come to his house. The prosecutrix went there. Petitioner – accused asked her

to come to his room. There he used force against the complainant and despite her refusal, had sexual intercourse with her. After some time, when prosecutrix heard a call made by her husband, she got herself released and went to her house and narrated the entire incident to her husband. The matter was reported to the police and formal FIR was registered.

The accused was arrested in this case on 5.5.2018. On completion of investigation, challan has been filed and trial is going on.

The petitioner had moved an application for regular bail before the Court of Sessions, which was assigned to the Court of Additional Sessions Judge, Ambala, who vide order dated 23.7.2018, dismissed the same, as such he has approached this Court, by way of filing the present petition praying for similar relief, which is being opposed by learned State counsel.

I have heard learned counsel for the petitioner, learned State counsel, besides going through the record.

The allegations against the petitioner are very grave and serious of calling a married woman to his house and then raping her. Such act and conduct of the petitioner cannot be taken lightly, since such like instances are increasing day by day and if no attempt is made to curb the same by dealing with the culprits in a stern manner, the other potential criminals would also take to the path of crime and indulge in similar acts.

The trial against the accused is going on, which is likely to be concluded in near future. If he is innocent, he would be set free,

but no case for grant of regular bail to the petitioner is made out. There is reasonable apprehension of his absconding and taking to the path of crime again, if granted bail.

Thus, finding no merit in the petition, the same stands dismissed.

11.10.2018
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(H.S. Madaan)
Judge

Whether speaking / reasoned Yes / No

Whether reportable Yes / No