

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

CRM-M-41817-2018

Date of decision: 29.10.2018

Balwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. S.K. Bokolia, Advocate,
for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

JAISHREE THAKUR, J. (ORAL)

This is a petition that has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 121 dated 21.06.2017 under Sections 376, 343, 120-B IPC and Section 365 IPC has been added later on, registered at Police Station Dharamkot, District Moga.

Learned counsel appearing on behalf of the petitioner would contend that the complainant was in relationship with the petitioner herein and she left her home at her free will and thereafter they approached this Court for protection, which was disposed of by order dated 18.10.2016 by directing the Senior Superintendent of Police, Moga to look into their

representation as per law. He further submits that the star witness, who is the prosecutrix, has turned hostile and has not supported the case of the prosecution and that the Co-accused has already been released on bail. The petitioner herein has been in custody since 15.02.2018 and the trial is likely to take some time. In this background, he prays for grant of bail to the petitioner.

Mr. Ajay Pal Singh Gill, learned DAG, Punjab by filing reply to the petition, opposes the grant of regular bail while submitting that the allegations are serious in nature.

I have heard learned counsel for the parties.

In view of the fact that the petitioner herein has been incarcerated since 15.02.2018 and the prosecutrix has not supported the prosecution version, the trial is likely to take some time to conclude, the present petition is allowed. Without expressing any opinion on merits of the case, the petitioner is ordered to be released on regular bail on furnishing bail bonds and surety bonds to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, concerned subject to following terms:-

- (i) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (ii) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the accused shall have to apply for bail afresh before the trial

Court.

(iii) He shall not leave the country without the previous permission of the Court.

29.10.2018

Satyawan

Whether speaking/reasoned

Whether reportable

(JAISHREE THAKUR)
JUDGE

Yes.

No.