

**107+223 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-12720-2019 in/and
CRM-M-7364-2019
Date of Decision : 30.04.2019

Balwant SinghPetitioner

versus

State of HaryanaRespondents

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Radhe Shyam Sharma, Advocate
for the applicant/petitioner.

Mr. Amrik Narwal, DAG, Haryana
for the respondent-State.

FATEH DEEP SINGH, J. (ORAL)

CRM-12720-2019

Since, the present application is in compliance of earlier order
dated 18.03.2019 passed by this Court, the same is allowed.

Document as Annexure P-6 is taken on record.

CRM stands disposed off.

CRM-M-7364-2019

The allegations against accused/petitioner-Balwant Singh, in
this second regular bail application under Section 439 Cr.P.C.
in a case bearing FIR No.190 dated 06.09.2018 filed under Sections

342/376/365/452/506 of the Indian Penal Code registered at Police Station Women, Jind and the earlier has been dismissed as withdrawn by the Court on 08.01.2019, have been levelled by the complainant who is a lady, aged around 24 years.

The facts are as follows:-

The complainant alleged that the accused/petitioner happens to be a distant relative and often used to visit her house and on 26.05.2018, it is alleged that the accused had defiled the petitioner, prepared a video of the act and started threatening and blackmailing her. It is alleged that on 20.07.2018, the accused forcibly took the complainant on his motorcycle and obtained her signatures in the register of the Notary Public as well as on certain blank papers and thereafter, made her sit before the idol and garlanded her regarding which two photographs were clicked. It is subsequent thereto, the present case was got registered.

The learned counsel for the petitioner *inter alia* contends that the complainant is a grown up lady and was in a relationship and after the relations had gone sour, the present case has been got registered falsely and has placed reliance on the marriage certificate (Annexure P-2).

The learned State counsel, on instructions from ASI Rajesh, Police Station Women, Jind, though, does not displace the facts brought to the notice of this Court by learned counsel for the petitioner but has opposed the grant of relief on the ground of heinousness of the offences and seriousness of the allegations.

Appreciating the submissions of the two sides, admittedly, the

complainant is a grown up lady aged around 24 years and as per her own stand, she was in a relationship with the petitioner for a long period of time, to which, she did not make any complaint or raised protest for the relations. The marriage certificate (Annexure P-2) placed on the record by the petitioner's side and the own admission of the complainant, in her complaint together with the photographs (Annexure P-3-numbering-06), a debatable issue arises over the applicability of offences under Sections 342/376/365/452/506 of the Indian Penal Code, which can only be adjudicated at the time of the trial. The petitioner is behind the bars for almost 07 months, thus, culpability, if any, shall be determined at the trial, this Court is of the opinion that it would serve no useful purpose to further detain the petitioner in custody. Accordingly, he is ordered to be released on regular bail to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate/Illaq Magistrate of the Court concerned.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

30.04.2019

Neha

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No