

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-45732 of 2018 (O&M)
Date of decision : February 26, 2019

Balbir Singh

....Petitioner

versus

State of Haryana

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Dishant D. Tuteja, Advocate, for the petitioner
Mr. Ripu Daman Singh, AAG, Haryana for the State

Fateh Deep Singh, J. (Oral)

CRM-6305-2019

The application is allowed. Documents are taken on record
subject to just exceptions.

CRM-M-45732-2018

This anticipatory bail application by accused-petitioner Balbir Singh filed in case FIR No. 18 dated 4.6.2018, under Sections 376-D, 506 IPC, Police Station Women, Kaithal was got registered on the statement of a widowed lady aged around 33 years. In her complaint to the police, the prosecutrix alleged that her husband and father-in-law as well as mother-in-law have died and she resides in the village along with her minor children.

It is alleged that accused Pala Singh and Vijay and present petitioner Balbir around 7/8 months prior to the lodging of the complaint used to forcibly enter her house and raped her against her wishes and also gave her threats to kill her family and threatened with it she did not report the matter and ultimately when she became pregnant with seven months of pregnancy the present case was got registered.

Mr. Dishant D. Tuteja, counsel for the petitioner submits that the very report of the DNA profiling bears out that the child matches the profile of complainant and Vijay and does not match with Mahenderpal and there is no accusation qua Balbir Singh to that effect and therefore, argued that the present case is lodged with a view to blackmail the petitioner by the complainant to fleece him of his money and nothing is to be recovered in this case.

Learned State counsel has opposed the grant of bail on the grounds of seriousness of the allegations. The accused-petitioner along with his co-accused having defiled a widowed poor lady from deprived class and having threatened her is not entitled to any concession of bail and if allowed bail he would influence the witnesses.

Going through the submissions there are specific allegations levelled by the prosecutrix against the present petitioner and two of his co-accused. The fact that DNA profiling of the child born out of this does not matches with the petitioner is no extenuating ground. The custodial interrogation of the petitioner in such a heinous offence is necessitated as

provisions of Section 438 Cr.P.C. are to be sparingly used. No ground for grant of bail is made out. The present petition, thus, stands dismissed.

February 26, 2019
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(Fateh Deep Singh)
Judge

<i>Whether speaking/reasoned ?</i>	<i>Yes/No</i>
<i>Whether Reportable ?</i>	<i>Yes/No</i>