

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

CRM-M No.29997 of 2019

Date of decision: 23rd July, 2019

Balwinder Ram @ Balwinder Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Jasvir S. Dhaliwal, Advocate for the petitioner.

Mr. H.S. Grewal, Addl. Advocate General, Punjab
for the respondent/State.

FATEH DEEP SINGH, J. (ORAL)

Allegations against the petitioner Balwinder Ram alias Balwinder Singh in this third regular bail application under Section 439 Cr.P.C. in case bearing FIR No.83 dated 20.10.2014 under Sections 363, 366-A, 376, 498-A, 494 IPC as well as Sections 5 and 6 of the Protection of Children from Sexual Offences Act, 2012 pertaining to Police Station City Mansa have been levelled by an unmarried girl aged around 17 years, a drop out of fifth class, alleging that the accused petitioner, who was a married man and known to the family, enticed her away on the fraudulent pretext of marrying her and in the process had defiled her repeatedly. It is further alleged that upon revelation of this, families entered into a settlement whereby the petitioner undertook to get divorce from his first wife and thereafter to contract marriage with the

complainant and under threat during this period, kept on defiling the complainant leading to her pregnancy and then registration of the present case.

Learned counsel for the petitioner Mr. Jasvir S. Dhaliwal, Advocate inter alia contends that the parties have effected settlement on 06.11.2014 (Annexure P1) before the Deputy Superintendent of Police, Mansa and that the prosecutrix is presently married and living with one Kuldeep Singh and that vide inquiry (Annexure P6) the accused has been exonerated.

On behalf of the State, Mr. H.S. Grewal, Addl. Advocate General, Punjab on instructions from ASI Modan Singh, Police Station City One, Mansa accepts the facts that have been argued before this Court by learned counsel for the petitioner but has opposed the grant of bail on the grounds of heinousness of the offence and seriousness of allegations.

Appreciating the arguments of the two sides, as is there in the testimony of the complainant, she was a minor at the time of alleged commission of offence. The claim of the investigating officer as per Annexure P6 that she was 24 years of age apparently stands belied from the testimony of the prosecutrix as PW3 where her age is shown to be 21 years, rather speaks of the highhandedness and the manner in which the matter has been subverted and which belief of the Court is further strengthened from the Panchayatnama (Annexure P1) purported to have

been reduced into writing in the presence of the police. As has been argued on behalf of the State, the petitioner is rather facing four criminal cases and thus, is illustrative of his criminal background. Keeping in view the allegations and the fact that a minor girl has been ravaged and impregnated by the petitioner who is a married man, and thus, in the light of heinousness of the offence and seriousness of allegations disentitles him to any relief. Finding no merit, the petition stands dismissed.

(FATEH DEEP SINGH)
JUDGE

July 23, 2019
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No