

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-12820-2020 (O&M)

Date of decision: - 04.06.2020

Balwinder Singh

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. A.P. Kaushal, Advocate
for the petitioner.

Mr. Ajay Pal Singh Gill, Deputy Advocate General, Punjab.

HARSIMRAN SINGH SETHI, J. (ORAL)

CRM-11056-2020

Application is allowed, as prayed for.

CRM-M-12820-2020

This petition has been taken for hearing through video conference due to Covid-19 pandemic.

Present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in FIR No.230 dated 01.11.2019 under Sections 363, 366-A, 376 and 120-B IPC as well as Section 4 of the The Protection of Children from Sexual Offences Act, 2012 (for short 'POCSO Act'), registered at Police Station Dharamkot, District Moga.

Learned counsel for the petitioner argues that name of the

petitioner is not mentioned either in the complaint or in the FIR. Learned counsel for the petitioner further argues that no evidence has come during the investigation against the petitioner showing that he is involved in any manner in respect to the allegations under Section 376 IPC and the only allegation alleged against the petitioner is that he provided accommodation to the prosecutrix and one Gurprem Singh @ Ravi when both of them visited Chandigarh while solemnizing their marriage and therefore, the petitioner has been wrongly roped in the present case.

Learned State counsel concedes that there is no allegation alleged by the prosecutrix against the petitioner in respect of Section 376 IPC and further even as per the statement given by the prosecutrix under Section 164 Cr.P.C., no role has been attributed to the petitioner.

I have heard learned counsel for the parties and have gone through the record.

Keeping in view the fact that no role has been attributed to the petitioner in respect of commission of offence punishable under Section 376 IPC and the only allegation is that he had provided accommodation when the prosecutrix and one Gurprem Singh @ Ravi visited Chandigarh for getting protection from this Court after they got married. Once nothing has been stated by the prosecutrix against the petitioner in her statement recorded under Section 164 Cr.P.C., the claim of the petitioner for the grant of regular bail has been made out, therefore, without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of trial Court/Duty Magistrate, Moga.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

It is also directed that if it is found that the petitioner is trying to influence the witnesses, in any way, the respondent-State will be at liberty to file a petition for cancellation of bail.

June 04, 2020
naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No