

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

208

CRM-M No.12765 of 2020
DATE OF DECISION : 3rd JUNE, 2020

Balwinder Singh @ Raman

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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In virtual Court

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Present: Mr. Vishal Thakur, Advocate for the petitioner.

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RAJBIR SEHRAWAT, J. (Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C. for grant of bail pending trial in case FIR No.117 dated 26.07.2018 registered under Sections 363, 366A, 376D, 120-B & 34 IPC and Section 6 of the POCSO Act (Charge framed under Sections 120-B, 363, 366, 376D read with Sections 109 & 328 IPC and Section 6 and 16 of POCSO Act) at Police Station City Hoshiarpur, District Hoshiarpur.

It is contended by the counsel for the petitioner that the case against the petitioner is totally concocted. Even as per the case of the prosecution, the allegation against the petitioner is that he provided financial help to Bunty, with whom the prosecutrix had run away. On these allegations, the petitioner was already released on bail by the court. However, the petitioner could not appear before the court on 19.10.2019 due to mental disturbance. Consequently, the petitioner was declared proclaimed offender on 10.01.2020. However, the order, declaring him

proclaimed offender, was managed by the police by submitting wrong report before the court. But when the petitioner came to know of the fact, he himself surrendered before the court on 10.02.2020 and since then he is in custody. It is further submitted that the petitioner undertakes not to absent from the proceedings of the court on any date in future.

Notice of motion.

Mr. H. S. Sullar, DAG Punjab, accepts notice on behalf of the State of Punjab.

Learned State counsel, on instructions from ASI Kiran Singh, submits that the petitioner has been in conspiracy with the main accused Bunty, to whom the petitioner provided financial help. However, it is not disputed that earlier the petitioner was released on regular bail in this very case and that he has surrendered before the court after having been declared as proclaimed offender; within a month of the passing of the order declaring him proclaimed offender.

In view the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

3rd June, 2020
'raj'

(RAJBIR SEHRAWAT)
JUDGE

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