

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-22815 of 2020

Date of Decision: 19.08.2020

Balwinder Singh

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Neeraj Madaan, Advocate
for the petitioner.

Mr. Dhruv Dyal, Senior Deputy Advocate
General, Punjab for the respondent.

Anil Kshetarpal, J.

The present petition has been filed for grant of regular bail to the petitioner pending trial in a criminal case arising from FIR No. 143 dated 13.06.2019, registered under Section 376 & 506 IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012 at Police Station Sadar Fazilka, District Fazilka.

In a nutshell, the case of the prosecution has been noticed by the learned Sessions Judge, Fazilka in para No. 3 of his order dated 09.06.2020, which is extracted as under:

“Perusal of the trial file reveals that on 13.06.2019, FIR was got registered by the prosecutrix herself by stating that she is 15½ years of age and is studying in 10+1 in Govt. Senior Secondary School, Fazilka. On the night of

07.06.2019, Rinku Singh son of Jumma Singh and Balwinder Singh son of Sona Singh carried her on a motor cycle to village 500 NLP near Ganganagar. After reaching there, they handed her over few intoxicant tablets and instructed her to mix those tablets in the food to be served to her parents. In the evening, as instructed, she mixed the intoxicant tablets in the vegetable, as a result of which, all her family members went to sleep and on the same night, she went away with them. She was threatened that if she disclosed this incident to anybody, her parents would be killed. During her confinement, the accused used to make her to call with a girl on mobile phone no. 85755-22223, who had also been directing her to do whatever both the boys had been asking to do. On the morning of 08.06.2019, her parents reached the said village and during her confinement for 15/20 days, the accused raped her”.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and he has been in custody for more than six and half months. He further submits that on conclusion of the investigation, the challan has been presented before the trial Court, however, the trial is yet to be commenced.

On the other hand, learned State counsel, on instructions from Assistant Sub Inspector Harbant Singh, has opposed the prayer for grant of regular bail to the petitioner.

Keeping in view the aforesaid facts of the case and without commenting on the merits of the case, the present petition is allowed and the

petitioner is directed to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/Duty Magistrate.

(Anil Kshetarpal)
Judge

August 19, 2020
“DK”

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