

BALWANT SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB AND ORS.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Brijeshwar Singh Bhalla, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab.

Mr. Shivender Pal Singh, Advocate
for respondent Nos.2 and 3.

VIVEK PURI,J. (ORAL)

Custody certificate of the petitioner has been circulated in Court and the same is taken on record.

Balwant Singh-petitioner is seeking regular bail in the case bearing FIR No. 144 dated 12.07.2021, under Sections 363/366A/120-B, IPC (later on added Section 376) and Section 3/4 of Protection of Children from Sexual Offences Act, 2012, registered at Police Sadar Sri Muktsar Sahib, District Sri Muktsar Sahib.

In pursuance of the advance notice, Ms. Ruchika Sabherwal, AAG, Punjab has put in appearance on behalf of the respondent-State.

Mr. Shivender Pal Singh, Advocate has put in appearance on behalf of respondent Nos.2 and 3 that is complainant and the victim and filed his Vakalatnama.

Heard and record perused.

Briefly, the FIR has been registered in pursuance of the statement of respondent No.2 alleging that respondent No.3 is the minor daughter and aged

about 17 and a half years. The son of the complainant is aged about 16 years. On 10.07.2021, at about 6/6:30 AM, the complainant along with her daughter i.e. the victim and son had gone to the fields of Daljit Singh where the children were sitting under the shade of the trees. At about 7:00 AM, the petitioner, namely, Balwant Singh arrived at the spot and kidnapped the daughter by threatening the son of the complainant.

Learned counsel for the petitioner contends that the investigation of the case is complete, the petitioner was in a relationship with the victim, the victim has attained the age of majority, a compromise has been effected and the petitioner contemplates to solemnize marriage with the victim. Furthermore, there are no allegations with regard to the kidnapping or commission of sexual intercourse.

Learned counsel for the complainant and victim has affirmed the fact of compromise and has also asserted that the victim has attained the age of majority and her marriage is to be solemnized with the petitioner.

On instructions from ASI Balwant Singh, learned State counsel has apprised the Court that in the statement of the victim recorded under Section 164 Cr.P.C., she has specifically and categorically stated that she left the house of her own accord without any allurement at the instance of the petitioner. In the said statement, she has also stated that the victim intends to solemnize marriage with the petitioner and there is no allegation of commission of sexual intercourse with her. Even no medical examination was conducted as the victim had refused for the same.

Keeping in view the aforesaid submissions and the fact that the victim has attained the age of majority and intends to solemnize marriage with the petitioner and furthermore, there is no specific and categoric allegation leveled against the petitioner with regard to kidnapping or sexual intercourse in the

out to extend the concession of the bail to the petitioner.

Without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

The petition is allowed accordingly.

15.12.2021
renubala

(VIVEK PURI)
JUDGE

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