

BALWINDER SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Karan Chaudhary, Advocate for the petitioner.
Ms. Ruchika Sabherwal, AAG, Punjab.
Mr. Amit Kumar, Advocate for the prosecutrix.

VIVEK PURI, J. (ORAL)

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

Balwinder Singh-petitioner is seeking regular bail in the case bearing FIR No.18 dated 05.02.2022 under Sections 363/366 IPC, 1860 and Section 67-A of Information and Technology Act, 2000 registered at Police Station Division No.2, District Pathankot.

Briefly, the FIR has been registered on the basis of the statement of the complainant alleging that his daughter is aged about 21 years and the petitioner (named mentioned as Rajbir Singh @ Sher son of Kashmir Singh in the FIR) had been secretly meeting her. He had also prepared the obscene video of the daughter of the complainant. It was suspected that the petitioner has abducted the daughter of the complainant with an intention to solemnize marriage.

Learned counsel for the petitioner contends that the petitioner as well as the daughter of the complainant have attained the age of valid marriage. They had solemnized marriage on 04.02.2022 against the wishes of the complainant and his family. They had also moved a petition seeking protection to their lives and liberty before the Court of learned Additional Sessions Judge, Gurdaspur. The daughter of the complainant had also sworn an affidavit dated 18.04.2022

(Annexure P-3). Even, in her statement recorded under Section 164 Cr.P.C, the daughter of the complainant had stated that she had voluntarily left the house without any threat, inducement or pressure exercised by the petitioner upon her. The daughter of the complainant is presently residing in the matrimonial house with the mother of the petitioner. He further states that the challan has been presented in the Court.

On instructions from ASI Ramesh Kumar, learned State counsel has affirmed the fact that in her statement recorded under Section 164 Cr.P.C, the daughter of the complainant has not attributed any allegation against the petitioner.

The daughter of the complainant has not attributed any allegation against the petitioner in her statement under Section 164 Cr.P.C. The petitioner has solemnized marriage with her against the wishes of the complainant and his family members. The daughter of the complainant is stated to be residing in the matrimonial house with the mother of the petitioner. The investigation of case is complete and the challan has been presented. The conclusion of the trial is likely to take some time. No fruitful purpose will be served by detaining the petitioner in further custody. As such, sufficient mitigating circumstances are made out to extend the concession of 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.

14.07.2022
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(VIVEK PURI)
JUDGE

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