

238 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-19048-2022
Date of Decision: 12.05.2022

BALWINDER SINGH ALIAS LUCKY SINGH ... PETITIONER
V/S
STATE OF PUNJAB ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. G.S.Brar, Advocate for the petitioner.

Mr. Hittan Nehra, Addl. A.G. Punjab.

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VIVEK PURI, J. (ORAL)

Custody certificate has been taken on record.

The petitioner is seeking regular bail in the case bearing FIR No. 202 dated 22.09.2020 under Sections 363, 366-A IPC and later on added 376 IPC and 6 of Protection of Children from Sexual Offences Act, 2012 registered at Police Station Division 2, District Police Commissionerate, Ludhiana.

Briefly, the FIR has been registered on the basis of the statement of the father of the victim alleging that the date of birth of the victim is 01.05.2006. On 21.09.2020 at about 12:30 P.M., it was found that the victim had left the house and did not return back. It was suspected that the petitioner had kidnapped the victim on the pretext of getting married.

Learned counsel for the petitioner contends that the petitioner is in custody for 1 year, 7 months and 6 days and is not involved in any other case. Furthermore, the statement of the victim has also been recorded

during the course of trial. The allegations with regard to penetrative sexual assault have been falsely levelled against the petitioner.

On the contrary, the bail application has been mainly resisted on the score that the victim was aged about 14 years at the time of occurrence. She has imputed allegations with regard to commission of forcible sexual intercourse in her statement under Section 164 Cr.P.C. and even during the course of trial. Moreover, the victim has been recovered from the custody of the petitioner.

Even though the petitioner is in custody for a period of 1 year and 7 months but significantly, the victim who is aged about 14 years has levelled specific and categoric allegations against the petitioner with regard to commission of penetrative sexual assault that too on repeated occasions. Furthermore, the petitioner had been threatening her and forcibly confined her in the room of the hotel. The victim has been recovered from the custody of the petitioner at Bus Stand Jalandhar bye pass. The perusal of MLR is also indicative of the vaginal sexual intercourse. As such, no mitigating circumstances are made out to extend the concession of regular bail to the petitioner.

Dismissed.

12.05.2022

Janki

**(VIVEK PURI)
JUDGE**

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