

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-32142-2022

Date of decision : 08.12.2022

Balwinder Singh

..... Petitioner

V/S

State of UT, Chandigarh

..... Respondent

CORAM : HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present: Mr. Prateek Gupta, Advocate and
Mr. Subham Pathania, Advocate, for the petitioner.

Mr. Viranjeet Singh Mahal, APP, UT, Chandigarh.

AMARJOT BHATTI J. (ORAL)

The petitioner has filed the present petition under Section 439 Cr.P.C. seeking regular in FIR No.120 dated 31.07.2021, under Section 376(1) of IPC, registered at Police Station Section 17, Chandigarh.

As per the facts of the case, the complainant/victim gave her statement that she is studying in B.A. final year and is married. On 29.07.2021, she came to Chandigarh for the job and stayed with one of her acquaintance. On 30.07.2021, she went to Kothi No.2522, Sector 22 Chandigarh and met Kusum (owner of the PG) for staying there. At the said residence a person came to meet her, when she came out, she found a person in a Swift car who claimed to be a CBI officer. She trusted him and accompanied him in the car, who took her to Hotel Bala Ji, Sector 22, Chandigarh. He had booked a room. The Hotel Manager took her

identity proof, that the name of said person was Balwinder. Ultimately, the matter was reported to the police, on the basis of which present FIR has been registered .

The learned counsel for the petitioner argued that all the allegations levelled against him are false. The complaint accompanied him with her own consent and this fact is established from the hotel record. The allegations levelled against him are false and it was consensual sex. The FIR has been registered with wrong facts. He is facing trial since long, he was arrested in this case on 04.08.2021 and till date, he is behind the bars. He will abide by the terms of bail order. It is prayed that his regular bail application may be allowed.

The bail application is opposed by the counsel representing the state, on the ground that the allegations against the petitioner are serious in nature. He has committed serious crime, therefore, he cannot be released on bail. It is further pointed out that he is involved in several other cases, as per the custody certificate. Therefore, his bail application may kindly be dismissed.

I have considered, the arguments and have gone through the record carefully. As per the status report submitted by the counsel representing the UT it is pointed out, that challan in this case was presented on 29.09.2021. After framing of chargesheet, out of eight witnesses, seven witnesses have already been examined. The statement of victim is already recorded on 09.12.2021 and her cross examination was completed on 06.04.2022. Therefore, the material witnesses have already been examined. So far as the other cases mentioned in the custody certificate are concerned, those are mostly under the provisions of Section 138 of Negotiable Instruments Act and in the other cases, he

is already on bail. The trial of this case still may take some time. The statement of victim is already completed.

Therefore, without expressing my mind, on the merits of the case, the regular bail application filed by the petitioner is allowed to the satisfaction of trial Court/ Duty magistrate concerned.

(AMARJOT BHATTI)
JUDGE

08.12.2022
Sunil Devi

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No