

265 IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-12845-2023 (O&M)  
Date of Decision: 22.03.2023

BALINDER ALIAS KALLU ... PETITIONER  
VS.  
STATE OF HARYANA .. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Ashit Malik, Advocate  
for the petitioner.

Mr. Surinder Kumar Dagar, DAG, Haryana.

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**VIVEK PURI, J.(ORAL)**

The petitioner is seeking regular bail in the case bearing FIR No.488 dated 07.10.2019 under Sections 120-B, 328, 376, 506 IPC and Section 3 of the SC and ST Act, registered at Police Station Indri, District Karnal.

Custody certificate has been placed on record.

Briefly, as per the allegations in the FIR, the petitioner had administered some sweets in a deceitful manner which rendered her unconscious and, thereafter, he developed made physical relations with her. The petitioner also allegedly made video from his mobile phone. Subsequently, on 13.06.2019, the petitioner entered the house of the prosecutrix and forcibly developed physical relations with her.

Learned counsel for the petitioner contends that the prosecutrix is aged about 25 years. During the course of trial, neither the prosecutrix nor her husband have supported the prosecution version. So far only 03 out of 14 witnesses have been examined. The petitioner is in custody for a period of 03 years, 02 months and 18 days. Though, he is involved in another case bearing FIR No. 324 dated 24.08.2019 under Sections 323, 506 and 34 IPC

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registered at Police Station Ladwa, Kurukshetra, but he is on bail in that case.

Learned State counsel, on instructions from Inspector Vijay, has opposed the bail application on the score that Rajni-PW1 has supported the prosecution version as the prosecutrix had disclosed her that the petitioner had prepared her videos and photographs and had been extending threats. On a query, it has been submitted that no samples were sent to FSL as there was delay in the medico-legal examination.

It is significant to note that neither the prosecutrix nor her husband have supported the prosecution version during the course of trial. The prosecutrix is aged about 25 years. The petitioner is in custody for a period of 03 years, 02 months and 18 days. Only 03 out of 14 witnesses have been examined so far. The conclusion of trial is likely to take some time and no fruitful purpose will be served by detaining the petitioner in further custody.

In such circumstances, sufficient grounds are made out to extend the concession of bail to the petitioner. Accordingly, without making any observation on the merits of the case, the present petition is allowed and petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

22.03.2023  
smriti

(VIVEK PURI)  
JUDGE

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