

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

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CRM-M-2583-2024

Date of decision:23.01.2024

Baljit Singh

....Petitioner

V/s

State of Punjab

....Respondent

**CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Harmanjit Singh Jugait, Advocate for the petitioner.  
Mr. Anup Singh AAG Punjab.

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**SUMEET GOEL, J. (Oral)**

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.134 dated 08.07.2023, registered for the offences punishable under Sections 376 (2)(n), 420 IPC at Police Station City Rupnagar, District Rupnagar.

2. The case set up in the FIR in question is as follows:-

*Copy of complaint. Complaint No.1241-P dated 10.11.2022 office of the Senior Superintendent of Police Rupnagar. To, The S.S.P. Rupnagar. Subject- Complaint against Baljit Singh son of Rajinder Singh resident of Village Ghanauli Tehsil and District Rupnagar whose mobile number is 7009942344 in regard to preparing for getting married second time after pretext me in regard to marriage. Sir it is requested that I Kiran daughter of Sh. Tota Ram am a resident of House No.37 Street No.11, Malhotra Colony Rupnagar Tehsil and District Rupnagar. That my marriage was solemnised in the year 2003 with Dev Pal of District Kaithal (Haryana) whose child AMit was born from me out of the wed lock. I had come to my parental Village Sham Pura before the birth of the child. One of my friend used to live in Village Ghanauli who used to go to meet him frequently when I met this person Baljit Singh. In this regard when my husband Dev Pal came to know about this then I talked about the whole issue with Baljit Singh that my husband has come to know everything about our*

*conversation then he said that take divorce from him and bail yourself out and we will get married. He has been developing physical relations with me since the past fourteen years on the pretext of marriage and he has got me a house on rent where I am living. He has been paying the rent of the house to the owners since the past fourteen years and has been paying me amount to meet my expenses. After living with me for four years in Rupnagar he had gone abroad to Kuwait. Whenever he used to come to India on leave for one- two months he used to live with me the whole day in the rented house and used to develop physical relations with me. He has been developing physical relations with me since the past thirteen-fourteen years and now he stopped giving me maintenance since the past around three-four months and nor he has been paying the rent of the house owners and is saying lies to me that at this time also I am in Kuwait even though he has come to his Village Ghanauli. Baljit Singh and the whole family of Baljit Singh are doing the preparations of his marriage. When I had gone to meet him then he ran away on seeing me and also sped away the vehicle. The preparations of marriage have taken place in his house and all the relatives have come. Now earlier he used to pick my phone. Then he put my phone in the block list. On yesterday dated 09.11.2022 his phone came through Whatsapp call that if you want to meet me then come on the canal we will sit there and talk. While making the call his brother in law Satta was also with him who said in the phone to him that you call her on the canal we will push her in the canal and finish off the matter. I heard this and I did not go to the canal to meet him because they would have killed me. So, you are requested to initiate legal action against Baljit Singh and the marriage be got done by him be stopped and action be also initiated against his brother in law Satta so that I get justice. Yours faithfully LTI Kiran daughter of Sh. Tota Ram resident of House No.37 Street No.11, Malhotra Colony Rupnagar Tehsil and District Rupnagar Mobile No.8196850187 Dated 10.11.2022."*

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 10.07.2023; investigation was carried out whereinafter challan has been presented. Learned counsel has further referred *in extenso* to the testimony of the victim (examined as PW-6) wherein she has turned hostile. Learned counsel has also relied upon an order dated 25.10.2023 passed by learned Sessions Court, Rupnagar wherein the petitioner was

granted twenty days interim bail which was not misused by the petitioner.

Thus, learned counsel for the petitioner has prayed for regular bail.

4. Learned State counsel has opposed the present petition arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 22.01.2024 in Court, which is taken on record.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. After the arrest of the petitioner on 10.07.2023, challan in the case was filed on 02.09.2023 wherein total 13 prosecution witnesses have been cited. Six prosecution witnesses already stands examined and trial is underway. The rival contention of learned counsel for the parties as to the weightage required to be attached to the testimony of the victim (PW-6) will be gone into during the course of trial. This Court does not deem it appropriate to delve deep into the rival contentions, at this stage, lest it may prejudice the case of either parties. As per custody certificate dated 22.01.2024, the petitioner has already suffered incarceration for a period of more than 06 months & same does not reflect involvement of the petitioner in any other case. No tangible material has been brought forward to indicate the likelihood of the petitioner fleeing from the process of law or interfering with the remaining prosecution evidence. In considered opinion of this Court, in the facts and circumstances of the case, further detention of the petitioner is not warranted.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaq Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

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11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)  
JUDGE

January 23, 2024  
*Ajay*

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