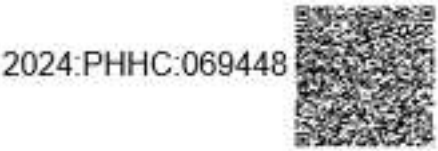


Neutral Citation No. 2024:PHHC:069448



IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

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CRM-M-9551-2024 (O&M)
Date of decision: 16.05.2024

Balkar Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Ms. Riffi Birla, Advocate
for the petitioner.

Mr. A. S. Samra, AAG, Punjab.

Mr. Ritesh Grover, Advocate
for respondent No. 2.

MANISHA BATRA, J. (Oral)

1. This petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case bearing FIR No. 134 dated 17.10.2021, registered under Section 376 of IPC at Police Station Sadar Jalalabad, District Fazilka.
2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered against the petitioner on the basis of the statement recorded by the prosecutrix on 17.10.2021

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making allegations of her being ravished at the hands of the petitioner. After registration of FIR, the petitioner had moved an application for grant of pre-arrest bail and vide order dated 09.11.2021 (Annexure P-2), he was directed to join investigation by the Court of learned Sessions Judge, Fazilka, which was made absolute, vide order dated 29.11.2021 (Annexure P-3) as the petitioner had joined the investigation and was no more required for further investigation. The petitioner, thereafter, absented himself and challan was filed against him *in absentia*. The proceedings under Section 82 of Cr.P.C. were initiated and he was declared a proclaimed person, vide order dated 21.07.2023 (Annexure P-4). He was arrested on 01.12.2023 and is in custody since then. He had moved an application for grant of regular bail before the trial Court but the same had been dismissed, vide order dated 21.12.2023.

3. It is argued by learned counsel for the petitioner that in fact the prosecutrix and the petitioner had been residing together. A compromise had been effected between them. It is further submitted that the prosecutrix had represented him that she would withdraw the case as lodged against him and on her assurance, he did not appear before the Court. It is also submitted that the trial is likely to take time. No useful purpose would be served by keeping him in custody anymore. Hence, it is argued that the petition deserves to be allowed.

4. Status report has been filed by the respondent-State. Learned State counsel has argued that there are chances of the petitioner's absconding again, if extended benefit of bail. Therefore, it is urged that the petition is liable to be dismissed.

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5. On the other hand, learned counsel for respondent No. 2/complainant has submitted that he has no objection if the present petition is allowed and the petitioner is granted benefit of bail.
6. I have heard learned counsel for the parties at considerable and have also gone through the record carefully.
7. The custodial interrogation of the petitioner is of course not required as *challan* has already been presented and he was even extended benefit of pre-arrest bail. Now, he is in custody since 01.12.2023. Admittedly, the petitioner and the prosecutrix have been residing together before his arrest. Keeping in view the period of incarceration of the petitioner, the fact that conclusion of trial is likely to take time and the attendant facts and circumstance of the case, I am of the considered opinion that the petitioner deserves to be given benefit of regular bail.
7. Accordingly, the present petition is allowed and the petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.
8. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

16.05.2024

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No