

**Sr. No.223**

**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**CRM-M-23035-2023 (O&M)**  
**Reserved on: 04<sup>th</sup> April, 2024**  
**Date of decision: 09<sup>th</sup> April, 2024**

**BALWINDER SINGH** .....**Petitioner**

**versus**

**STATE OF HARYANA** .....**Respondent**

**CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

Present: Mr. Sajal Bansal, Advocate for  
Mr. Saransh Sabharwal, Advocate  
for the applicant-petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana.

Mr. Gobind Dhanda, Advocate  
for the complainant.

**HARPREET KAUR JEEWAN, J.**

1. The instant petition has been filed by the petitioner under Section 439 of the Code of Criminal Procedure, 1973 seeking regular bail in case FIR No.99 dated 23.12.2022, under Sections 201, 323, 328, 376(2)(n), 354-C, 384, 452, 506 and 509 of IPC, 1860 (Sections 201, 376(2)(n), 509 IPC, 1860 added later on and Section 376 IPC, 1860 deleted later on), registered at Women Police Station, Panchkula.
2. The prosecutrix lodged the FIR by way of moving a written complaint dated 23.12.2022 to the Police alleging that on 09.01.2018, the prosecutrix had stayed in a Gurdwara at Panchkula, where the petitioner was posted as a Sewadar. The petitioner offered milk to the prosecutrix after mixing some intoxicant substance. Thereafter, when the prosecutrix went back to her home in Jammu, the petitioner sent an objectionable/obscene video on her mobile phone through

WhatsApp depicting wrong act having been committed by the petitioner upon the prosecutrix. The petitioner had also extracted a sum of Rs.7-8 lakhs from the prosecutrix by way of blackmailing. It is further an allegation that the prosecutrix was subjected to beatings by the petitioner in the month of July 2020, in respect of which, she got herself medically examined. The prosecutrix alleged that earlier, she submitted a complaint but the local Police did manipulations and got a statement signed from the prosecutrix, wherein, it was shown as a money transaction dispute.

3. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case. There is a long and unexplained delay of 05 years in registration of the FIR. The alleged occurrence took place in the year 2018. Earlier also, the complainant moved a complaint dated 22.01.2022 against the petitioner with the allegations of fraud, molestation and blackmailing, however, the said complaint was withdrawn by the prosecutrix on 28.01.2022 submitting that there was a monetary dispute *inter se* the parties and the petitioner had returned the said money to the prosecutrix. The statement of the prosecutrix has been recorded during the trial.

4. Learned State counsel has opposed the present petition on the ground of gravity of allegations levelled against the petitioner.

4.1 Learned State counsel has filed status report dated 28.02.2024, by way of affidavit of Sh. Manpreet Singh, IPS, Assistant Superintendent of Police, Panchkula, on behalf of respondent-State of Haryana along with the statement of the prosecutrix recorded under Section 164 Cr.P.C. (Annexure R-1), medico-legal report of the prosecutrix (Annexure R-2), copy of FSL Report (Annexure R-3), copy of the application and opinion of the Medical Officer (Annexure R-4) and statement of the prosecutrix (PW-1) recorded during the trial (Annexure R-5),

which are taken on record.

5. I have considered the aforesaid contentions and perused the paper book.

6. The prosecutrix is major and married. At this stage, no comment can be made on the earlier compromise dated 28.01.2022 (Annexure P-2), which is a matter of trial. Further, at this stage, no opinion can be made qua the allegations of extracting a sum of Rs.7-8 lakhs by the petitioner by way of blackmailing the prosecutrix as the said allegation is not supported by any bank transaction. Apart from this, the alleged videos/photographs of the prosecutrix are also not a part of the paper book. The allegation levelled against the petitioner that he subjected the prosecutrix to beatings in July 2020 is also not supported with any medical examination report. As per Para No.7 of the status report, the Incharge, Police Station has moved an application for obtaining medico-legal report of the prosecutrix from the concerned hospital regarding the said allegations of beating in July 2020. As per Annexure R-4, the concerned Medical Officer has reported as under:-

*“As per our MLR Record there is no entry of the Patient named Pinki wife of Ramnath in MLR record in 2020 and 2021. According to our OPD-X-Ray, her X-Ray were done in routine OPD on 14.08.2021 and the X-Ray films were given to the patient for treatment”.*

7. Investigation is complete. Final report/challan under Section 173 Cr.P.C. has already been presented before the trial Court. As per the custody certificate dated 02.04.2024, the petitioner is in custody for a period of 01 year 01 month and 07 days. There is no history of any other case against the petitioner. There is no apprehension of tampering with the prosecution evidence since the statement of the prosecutrix (PW-1) has already been recorded during the trial.

8. Out of the total prosecution witnesses, only one witness i.e. the prosecutrix has been examined. Trial is likely to take some time to conclude, as such, in view of the totality of the circumstances and without expressing any opinion on the merits of the case, the present petition is allowed.
9. The petitioner is ordered to be released on regular bail, subject to his furnishing adequate bonds/surety to the satisfaction of the trial Court/CJM, concerned.
10. All the pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)

JUDGE

09<sup>th</sup> April, 2024

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No