



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

245 **CRM-M-50298-2024 (O&M)**
Date of Decision : 19.11.2024

BALWINDER KUMAR @ SONU Petitioner

VERSUS

STATE OF PUNJAB Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Amit Kumar, Advocate for the petitioner.

Mr. Pawan Kumar, DAG Punjab for the respondent.

ALKA SARIN, J. (ORAL)

1. The present second petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.84 dated 17.06.2023 under Sections 363, 354, 354-A, 354-D, 506 of the Indian Penal Code, 1860; Sections 8 and 12 of Protection of Children from Sexual Offences Act, 2012 and Section 376 of the Indian Penal Code, 1860 and Sections 6 and 12 of Protection of Children from Sexual Offences Act, 2012 (added later on) registered at Police Station Division No.2, District Pathankot. The first petition being CRM-M-43718-2023 was dismissed as withdrawn on 21.11.2023.

2. Learned counsel for the petitioner would contend that a totally false case has been planted upon the petitioner and that as per the statement of the prosecutrix/victim she was abducted on 22.03.2023 and returned to her house on 02.04.2023, however, in the interregnum no FIR was lodged by

her parents regarding the fact that she was missing from home. It is further the contention that the FIR was lodged on 17.06.2023 and when the prosecutrix/victim was taken for her medical examination, she did not permit the doctors to examine her as has also been recorded in the MLR.

3. Learned counsel for the State has filed the status report by way of an affidavit dated 18.11.2024 of Sumeer Singh, PPS, Deputy Superintendent of Police, Sub-Division City Pathankot in Court today. The same is taken on record. Learned counsel for the State has handed over custody certificate in the Court and as per the same the petitioner has been in custody for a period of 1 year and 5 months and he has clean antecedents. Even in the status report it has been stated that the prosecutrix/victim did not allow her medical examination. As per the learned counsel for the State the prosecutrix/victim stands examined and infact all material witnesses stand examined and only the official witnesses are left.

4. Heard.

5. In the present case the prosecutrix/victim was alleged to have gone missing on 22.03.2023 and till 02.04.2023, when she was alleged to have returned home, there was no missing report which was lodged by her parents. Further still, the FIR was lodged on 17.06.2023. The petitioner has already been in custody for a period of 1 year and 5 months. There is no other case registered and/or pending against the petitioner. Material witnesses stand examined and only the official witnesses are left. The trial is likely to take some time to conclude and no useful purpose would be served by keeping the petitioner behind the bars any further.

6. In view of the above and without commenting upon the merits of the case, this Court deems it to be a fit case to grant the concession of regular bail to the petitioner. The petitioner is directed to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Trial Judge/Additional Sessions Judge/Duty Judge concerned.

7. However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

8. It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

9. Disposed off. Pending applications, if any, also stand disposed off.

19.11.2024
Aman Jain

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: Yes/No