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

**CRM-M-25279-2025
Date of Decision: 14.05.2025**

Binder Singh @ Balwinder Singh @ Binder

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Ms. Gurpreet Kaur, Advocate
for the petitioner.

Mr. Gurpratap Singh Bhullar, AAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present petition has been filed under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in case FIR No.108 dated 31.07.2017, under Section 376 IPC, registered at Police Station Ajnala, District Amritsar.

2. Learned counsel for the petitioner submitted that the petitioner is in custody for 3 months and 19 days and it is a case where the allegations against the petitioner were with regard to committing the offence of rape which was totally false and even now a compromise has been arrived at between the parties and the investigation of the case has already been completed and challan has also been presented before the competent Court. Therefore, the petitioner may be considered for grant of regular bail.

3. On the other hand, Mr. Gurpratap Singh Bhullar, learned AAG, Punjab has submitted that in the present case, the occurrence is of the year 2017 and thereafter, the petitioner absconded from justice and after a period of

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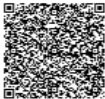
more than 7 years he had surrendered and was taken into custody. He further submitted that the mere fact that later on a compromise has been arrived at between the parties of which the State has no knowledge, has no bearing on the case as the petitioner has been absconding from justice for more than past 7 years and therefore, he does not deserve the concession of bail and there is a reasonable apprehension that in case the petitioner is released on regular bail, then he may again abscond or flee from justice.

4. Mr. Jagpal Singh, Advocate has caused appearance and filed his Power of Attorney on behalf of respondent No.2/complainant which is taken on record. He submitted that now after the petitioner surrendered, a compromise has been effected between the parties.

5 I have heard the learned counsels for the parties.

6. The custody of the petitioner is stated to be 3 months and 19 days. Allegations against the petitioner are with regard to commission of offence of rape. It has been so apprised by learned State Counsel that the occurrence is of the year 2017 and the FIR was registered on 31.07.2017 and the petitioner had absconded from justice for more than 7 years and thereafter he surrendered. Therefore, this Court is of the considered view that the apprehension which has been so expressed by learned State Counsel on the basis of previous conduct of the petitioner that he had been absconded for more than 7 years and in case he is released on bail, then he may again abscond or flee from justice, cannot be ignored and carries weight and that itself become a ground for dismissal of the bail.

7. In view of the aforesaid totality of facts and circumstances of the case, this Court does not deem it fit and proper to grant bail to the petitioner. Consequently, finding no merit in the present petition, the same is hereby



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dismissed.

8. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

14.05.2025

(JASGURPREET SINGH PURI)
JUDGE

Bhumika

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|------------------------------|--------|
| 1. Whether speaking/reasoned | Yes/No |
| 2. Whether reportable: | Yes/No |