



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

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CRM-M-53420-2024
Date of decision: 11.02.2025

Balwinder Singh

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. R.S. Chahal, Advocate for the petitioner.

Ms. Priyanka Sadar, A.A.G., Haryana.

NAMIT KUMAR, J. (ORAL)

1. The petitioner has filed the present petition under Section 439 of Cr.P.C. seeking regular bail in case FIR No.88 dated 14.03.2024 registered under Sections 363, 366, 376(2)(n), 376(3)/34, 471, 468, 344 & 120-B of Indian Penal Code, 1860 and Sections 6 & 17 of Protection of Children from Sexual Offences Act, 2012 and Section 9 of The Prohibition of Child Marriage Act, 2006 at Police Station Sadar Sirsa, District Sirsa.

2. The abovesaid FIR was registered on a complaint dated 14.03.2024 made by one Satpal stating that on 11.03.2024 at about 1:00 P.M. his daughter aged about 16 years had gone to the fields to take fodder for animals and did not return till evening. They searched her but could not found her. Thereafter, they came to know that one Surender Kumar, who previously used to reside at Village Chamal, had enticed away the daughter of the complainant after alluring her and the parents of accused Surender Kumar were also helped him in enticing away the



daughter of the complainant. During investigation, accused Rajni, sister of accused-Surender @ Sulender and Balwinder Singh (the petitioner) were also found involved in the commission of offence.

3. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. The petitioner was not named in the FIR and his name has come in the statement of one Mahabir s/o Prabhu Ram, who in his statement stated that his house was got rented by Balwinder Singh (the petitioner) son of Harbans Lal to accused namely Surender @ Sulender and his parents and Rajni, sister of accused-Surender @ Sulender. Surender @ Sulender was also staying with them. He further stated that one girl was also staying with accused named in the FIR who was told as his wife Indu by accused named in the FIR. Learned counsel for the petitioner has further referred to the statement of the victim dated 06.06.2024 recorded under Section 164 of Cr.P.C., wherein also no role has been attributed to the petitioner. He submits that the petitioner is in custody since 01.06.2024 and is not involved in any other case. He further submits that investigation in the present case is complete; challan has been presented; charges are yet to be framed and trial may take a considerable time to conclude, therefore, no fruitful purpose would be served by detaining the petitioner behind bars.

4. Per contra, learned State counsel, while placing on record custody certificate has opposed the prayer for grant of regular bail to the petitioner on the ground that the petitioner has played an active role in the commission of crime by helping the main accused Surender @ Sulender. However, she submits that petitioner is in custody for the last



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more than 08 months; investigation in the present case is complete; challan has been presented and charges are yet to be framed. She also conceded the fact that the petitioner is not involved in any other case.

5. I have heard learned counsel for the parties and perused the record.

6. Keeping in view the custody period of the petitioner i.e. 08 months and 10 days, the facts that the investigation in the present case is complete; challan has been presented; charges are yet to be framed; trial may take a considerable time to conclude and the petitioner is not involved in any other case, therefore, the petitioner is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

7. The petition stands disposed of accordingly.

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

11.02.2025

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(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No