

**In the Court of Ms. Neelam Arora, Addl. Sessions Judge, Hoshiarpur**  
UID No. PB0091

B.A CIS No. 1434 of 13.7.2020  
CNR No. PBHO0100 3464 2020  
Date of Decision: 17.7.2020

Balvir Singh aged 27 years son of Gopal Singh, resident of village  
Tilluwal Khun Khun Kalan, District Hoshiarpur.

....Applicant/accused

Versus

State of Punjab.

....Respondent

FIR No. 290 dated 2.12.2018  
U/S 363, 366A IPC, 1860  
PS : Tanda, District Hoshiarpur

**Application for regular bail**

Present: Shri SS Kotli, Advocate for applicant/accused  
Shri Gurpreet Singh, Addl. PP for the State  
Prosecutrix with Shri RS Abhi Advocate

**ORDER**

1. This order of mine shall dispose off application moved by  
aforesaid applicant/accused, seeking regular bail in the present case.

2. Notice of the bail application was given to the State  
through the learned Addl. PP for the State and the record was  
requisitioned. Prosecutrix has also come present with her counsel Shri  
RS Abhi, Advocate.

3. It is argued by the learned counsel for the applicant/accused  
that the applicant/accused has been falsely implicated in this case. In  
fact, the applicant/accused has love affair with prosecutrix and this fact

was in the knowledge of complainant, who is father of prosecutrix. It is submitted that the complainant wanted to solemnize the marriage of prosecutrix with some a person of 36 years old, whereas the prosecutrix was minor having age of 17 years and this marriage was not acceptable to prosecutrix. Therefore, the applicant/accused and prosecutrix left their parents home and started live in relationship and during this period a child was born to prosecutrix. It is submitted that now the marriage has been performed by the applicant/accused and prosecutrix on 4.6.2020 and thereafter they filed a protection petition bearing CRWP No. 3524 of 2020 before the Hon'ble High Court, which was disposed off by the Hon'ble High Court vide order dated 8.6.2020 by giving directions to the SSP, Hoshiarpur and concerned police station to protect the life and liberty of the petitioners. It is submitted that when the applicant approached the concerned police station along with the order of the Hon'ble High Court, he was taken into custody on 1.7.2020 and since then, he is in custody. At that time, the applicant/accused came to know that the present FIR has been registered against him and he has been declared as proclaimed offender. Also he argued that prosecutrix has made a statement in the court that she has performed marriage with accused on 4.6.2020 and she is living happily with him at village Tilluwal, PS Tanda with her in laws family. They have a minor child from their wedlock. She further stated that she has no objection if the bail application of applicant/accused is allowed. It is

urged that the conclusion of trial shall take time and no useful purpose will be served by keeping the applicant/accused in custody for indefinite period. With these submissions, it is prayed that bail application may be allowed.

4. The learned Addl. PP for the State resisted the bail application and submitted that applicant/accused has been declared proclaimed offender by the court vide order dated 28.5.2019 and challan against proclaimed offender accused has already been presented in the court. Now the accused has been arrested on 1.7.2020 and prosecutrix was recovered from the accused. It is argued that prosecutrix was minor at the time of the occurrence i.e. 23.11.2018. The learned Addl. PP for the State further submitted that after registration of present FIR on 2.12.2018, the applicant/accused has avoided the process of law almost for a period of more than one year till his arrest. With these submissions, a prayer for dismissal of bail application has been made.

5. During the course of hearing on bail application, ASI Paramjit Singh, the investigating officer of this case has suffered a statement in the court that the present case was registered against the accused on the statement of father of prosecutrix under Sec. 363, 366A IPC, 1860 and that no offence under Sec. 376 IPC, 1860 has been added in the present case. Even prosecutrix did not get her medical examination conducted and refused for the same.

6. Prosecutrix has also come present in the court and she has been identified by Mr. RS Abhi Advocate. Prosecutrix has suffered a statement in the court that the present case was registered against applicant/accused on the basis of statement of her father. She has performed marriage with accused Balvir Singh on 4.6.2020 as per Hindu rites and rituals and living happily with him at village Tilluwal Khun Khun Kalan, PS Tanda with her in laws family. They have a minor child, namely, Jasleen Kaur, from their wedlock. She further stated that she has no objection if the bail application of applicant/accused is allowed.

7. Heard. Perused the record. The prosecution machinery in the present case was set into motion on the basis of statement made by complainant Bali Mohammad son of Nazamdin, who has alleged that the date of birth of his daughter/prosecutrix is 18.3.2002 and she is minor aged about 17 years. Her *nikah* was performed with Liaqat Ali of village Dusarka. On 23.11.2018 at about 5.00 pm, she went out of the house but did not return. He came to know that Balvir Singh Banty son of Gopal Singh has allured/enticed the prosecutrix and taken her away with him. He further alleged that he could not find out both of them anywhere. The record further shows that after registration of FIR on 2.12.2018, the accused could not be arrested and ultimately, he was declared as proclaimed offender vide order dated 28.5.2019 passed by the court of Ms. Renu Goyal, JMIC, Dasuya. He has been arrested on

1.7.2020 by the police. In this way, the applicant/accused has avoided the process of law for a period of more than one year. Even he approached the Hon'ble High Court along with prosecutrix and filed protection petition bearing CRWP No. 3524 of 2020, upon which order dated 8.6.2020 was passed, but till 1.7.2020, he kept on avoiding the process of law. No justified reason has been mentioned in the application seeking bail as to why he continued avoiding the process of law for such a long period. It is mentioned in the bail application that prosecutrix performed marriage with accused on 4.6.2020. Therefore, at the time when order declaring the applicant/accused as proclaimed offender was passed on 28.5.2019, he was still avoiding the process of law and FIR was already registered against him on 2.12.2018. Hence, in the light of these facts and circumstances of the case but without commenting on the merits of the case, this Court does not deem it fit to grant the discretionary relief of bail to the applicant/accused and the bail application is dismissed. Record be returned to the lower court and file be consigned to the record room.

Announced  
17.7.2020  
*baljinder*

(Neelam Arora)  
Addl. Sessions Judge  
Hoshiarpur  
UID No. PB0091

Balvir Singh vs State

CIS No. 1434 of 13.7.2020  
CNR No. PBHO0100 3464 2020

Present: Shri SS Kotli, Advocate for applicant/accused  
Shri Gurpreet Singh, Addl. PP for the State  
Prosecutrix with Shri RS Abhi Advocate

Record received. Statement of ASI Paramjit Singh has been recorded separately. Prosecutrix has also appeared with counsel Shri RS Abhi Advocate and her statement has been recorded separately. Arguments heard. Vide my separate detailed order of even date, bail application filed by the applicant/accused has been dismissed as stated therein. Record be returned to the lower court and file be consigned to the record room.

Announced  
17.7.2020  
*baljinder*

(Neelam Arora)  
Addl. Sessions Judge  
Hoshiarpur  
UID No. PB0091