

**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

Criminal Misc. No.M- 10676 of 2017(O&M)

Date of Decision: April 3 , 2017.

Vinod Kumar PETITIONER (s)

Versus

State of Punjab RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Piyush Kant Jain, Advocate
for the petitioner.

Mr. Deep Singh, AAG, Punjab.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No.313 dated 16.11.2016 under Sections 363//366/376 IPC registered at Police Station City Khanna.

It is submitted that the abovesaid FIR was initially registered under Sections 363/366 IPC on the statement of the father of the alleged victim and Section 376 IPC was added in a malafide manner at a subsequent stage. In reality, the petitioner and the alleged victim had an affection for each other.

Both of them are major. Reference is made to certain photographs and

messages i.e. Annexure P2 (Collectively) exchanged between them. Learned counsel for the petitioner further submits that the alleged victim in her statement under Section 164 Cr.P.C. has categorically stated that there were no physical relations between her and the petitioner. Therefore, there is no question of rigors of Section 376 IPC being attracted in this case. No offence is made out against the petitioner for the offence punishable under Sections 363/366 IPC either, as the alleged victim accompanied the petitioner on 15.11.2016 and remained with him till 19.11.2016. It is thus prayed that this petition be allowed.

Learned counsel for the State, on instructions from ASI Avtar Singh, does not deny the veracity of the statement of the alleged victim recorded under Section 164 Cr.P.C. which is attached as Annexure P4 with this petition. It is informed that the final report under Section 173 Cr.P.C. has been filed. The charges against the petitioner were framed on 17.03.2017 and the matter is fixed before the learned trial court for 27.04.2017. It is not disputed that the alleged victim is a major.

I have heard learned counsel for the parties.

The petitioner is in custody since 21.11.2016. No recovery is to be effected from him. Trial in this case is not likely to conclude in the near future. It is not denied that the petitioner is not involved in any other case. No useful purpose would be served by keeping the petitioner incarcerated any longer in the peculiar facts and circumstances of this case.

There are no allegations on behalf of the State that the petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing

true facts in the Court, if released on bail.

Keeping in view the facts and circumstances as above but without commenting upon or expressing any opinion on the merits of the case, this petition filed by Vinod Kumar is allowed. The petitioner shall be released on bail pending trial subject to his furnishing requisite bail bonds and surety bonds to the satisfaction of the learned Trial Court.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

April 3 , 2017.
'om'

(LISA GILL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No