

CRM-M No. 1184 of 2017 O&M)

Date of decision : March 27, 2017

Ajay Kumar

.....Petitioner

Versus

State of Punjab

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Amaninder Singh Sekhon, Advocate
for the petitioner.

Mr. S.S. Chandumajra, Additional AG, Punjab.

LISA GILL, J.

CRM-9333-2017

Application is for placing on record certified copies of examination-in-chief and cross examination of PW3, Monika Rani and PW4, Sandeep Kumar as Annexures P-3 and P-4, respectively. The same are taken on record subject to just exceptions. Filing of typed copies of Annexures P-3 and P-4 is exempted.

CRM-M-1184-2017 O&M)

Prayer is for bail pending trial to the petitioner in FIR No. 151 dated 01.09.2015 registered under Sections 363, 366, 376, 506, 120B IPC at Police Station City Kotkapura, District Faridkot.

It is submitted that the petitioner has been falsely implicated in this case. The complainant/prosecutrix was married, having two children. A

bare reading of the FIR itself reveals the falsity of the same. The place of the alleged occurrence would itself render the prosecution story an impossibility. It is urged that there is an unexplained delay of about 63 days in lodging of the FIR. Furthermore, the prosecutrix as well as her husband have testified before the learned trial Court. The trial is not likely to conclude in the near future. The petitioner is in custody since 10.09.2015. It is, thus, prayed that this petition be allowed.

Learned counsel for the State while submitting that there are serious allegations against the petitioner has, however, not denied that the prosecutrix and her husband have since deposed before the learned trial Court. Their statements are on the file of this petition as Annexures P-3 and P-4. It is informed that out of seventeen (17) prosecution witnesses, five (5) have been examined. Twelve (12) witnesses are yet to be examined. It is apparent that the trial, in this case, is not likely to conclude in the near future. The petitioner is not involved in any other case.

There are no allegations on behalf of the State that 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. No useful purpose shall be solved by keeping the petitioner incarcerated any longer. Keeping in view the facts and circumstances noted above but without expressing any opinion on the merits of case, it is considered just and expedient to allow this petition.

Consequently, 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 reiterated that none of the observations made herein above are a reflection on the merits of the case and shall have no bearing on the trial.

March 27, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes

Whether reportable : Yes/No