

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

Criminal Misc. No.M- 12664 of 2017(O&M)

Date of Decision: May 10 , 2017.

Babbi @ Aniket PETITIONER (s)

Versus

State of Punjab RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Hitesh Kumar Sammi, Advocate
for the petitioner.

Mr. Deep Singh, AAG, Punjab.

Mr. Raman Mohinder Sharma, Advocate
for the complainant.

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.

CRM No.14549 of 2017

Affidavit of Kulwant Ram i.e. the father of the petitioner is taken on record subject to just exceptions.

Application is disposed of.

CRM No.M-12664 of 2017

The petitioner prays for bail pending trial in FIR No.233 dated

06.10.2016 under Sections 363/366A/376 IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012 registered at Police Station City Rajpura, District Patiala.

It is submitted that the petitioner has been falsely implicated in the abovesaid case on a statement of the mother of the alleged victim. The petitioner and the victim in fact had friendly relations. The allegations attracting the rigors of Sections 363/366A/376 IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012 are not correct. Learned counsel for the petitioner submits that the alleged victim has deposed as PW1 before the learned trial court. In her statement (Annexure P2) before the learned trial court, she has specifically stated that her parents used to beat her because they wanted her to marry someone against her wishes. She left her house in the presence of her parents on the intervening night of 1/2.10.2016 at about 2.00 a.m. She categorically states that she left the house on her own and none is responsible for her departure. She further states that the petitioner was known to her and was threatened by her parents for reasons beyond her comprehension. The alleged victim has specifically denied that she was enticed by the petitioner on the pretext of performing marriage or that he took her to Naina Devi where they stayed together for three or four days. She has categorically denied that her person was violated by the petitioner. It is further stated by the alleged victim that her parents did not allow her to come out of the house without their permission after her custody was handed over to them on 30.10.2016. It is thus prayed that this petition be allowed.

Learned counsel for the State as well as the complainant submit

that the victim in this case was merely 16-½ years old at the time of occurrence. There is ample evidence on record to inculcate the petitioner. However, the statement made by the victim (PW1) is not denied. It is also not denied that the petitioner is not involved in any other case.

Trial in this case is not likely to conclude in the near future. The victim has already been examined before the learned trial court. 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 Babbi @ Aniket is allowed. The petitioner shall be released on bail pending trial subject to his furnishing requisite bail bonds and surety 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.

May 10 , 2017.
'om'

(LISA GILL)
JUDGE

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