

Criminal Misc. M- No. 1590 of 2017 (O&M)

Date of decision : April 05, 2017

Ram Nath

.....Petitioner

Versus

State of Punjab

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Navjot Singh, Advocate
for the petitioner.

Mr. Deep Singh, AAG, Punjab.

LISA GILL, J.

Prayer is for bail pending trial to the petitioner in FIR No. 22 dated 16.04.2014 registered under Sections 363, 366A, 376 IPC and Sections 3, 4 of Protection of Children from Sexual Offences Act, 2012 at Police Station Motinagar, Ludhiana.

It is submitted that the petitioner has been falsely implicated in this case. The petitioner and the complainant's daughter solemnised marriage on 03.03.2014. Reference is made to marriage certificate dated 25.04.2014 (Annexure P-2). The complainant's daughter was a major at the time of their marriage. The alleged victim in her statement dated 17.06.2014 under Section 164 Cr.P.C. has specifically stated that she is 19 years old. She accompanied the petitioner out of her own accord. They went to Uttar Pradesh where their marriage was solemnised. They lived together as husband and wife for nearly three months. The victim has further stated that they were apprehended by the police. She has categorically stated that her

person was not violated by the petitioner in any manner neither she was forced into marriage.

Reference is also made to the statement of PW3 Dr. Alka Mittal, Medical Officer, Civil Hospital, Raikot. Dr. Alka Mittal in her cross examination affirmed that the prosecutrix herself informed about her marriage with the petitioner three months prior to her medical examination.

Learned counsel for the petitioner further submits that charge in this case was framed on 13.01.2015. The matter is pending before the learned trial Court since then for examination of the prosecution witnesses. The victim is not coming forward to depose in this case neither has the complainant testified before the learned trial Court despite various opportunities afforded. It is, thus, prayed that this petition be allowed.

Learned counsel for the State, on instructions from HC Narang Singh, verifies the statement dated 17.06.2014 under Section 164 Cr.P.C. suffered by the victim. It is not denied that neither the complainant nor the victim have come forward to depose before the learned trial Court.

I have heard learned counsel for the parties.

It is not in dispute that the petitioner is in custody since June, 2014. Statement of the victim under Section 164 Cr.P.C. is not denied. The petitioner is not stated to be involved in any other case. The trial, in this case, is not likely to conclude in the near future. 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 served 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 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.

April 05, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes

Whether reportable : Yes/No