

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRM No. M-15939 of 2017
Date of decision: 11.05.2017**

Jatin

..... Petitioner.

Versus

State of Punjab

..... Respondent.

CORAM: HON'BLE MS. JUSTICE LISA GILL

Present: Mr. Harsh Garg, Advocate, for the petitioner.

Mr. Deep Singh, AAG, Punjab.

LISA GILL, J.

The petitioner prays for grant of bail pending trial in FIR No. 13 dated 16.01.2017 registered under Sections 363,366-A,376 read with Section 511 of the Indian Penal Code (for short 'IPC') and Section 3/ 4 of Protection of Children from Sexual Offences Act, 2012 at Police Station Division No.5, Ludhiana.

It is submitted that a bare perusal of the statement of the victim under Section 164 Cr.P.C (Annexure P-3) reveals that the victim along with her friend have themselves accompanied the petitioner and the co-accused. The allegations therein do not attract the rigours of Section 376 read with Section 511 of the IPC or Section 3/ 4 of the Protection of Children from Sexual Offences Act. The petitioner, who himself is a young man of 20 years has been in custody since 21.01.2017. No recovery is to be effected from him. Final report under Section 173 Cr.P.C. has already been filed. It is, thus prayed that this petition be allowed.

Learned counsel for the State submits that the victim/victims in this case are minors and they have obviously been enticed by the petitioner and the co-accused. Statement dated 22.01.2017 under Section 164

Cr.P.C.(Annexure P-3) suffered by the victim is not denied. It is admitted that the challan/final report under Section 173 Cr.P.C. has been filed. No recovery is to be effected from the petitioner. It is verified that the petitioner is not involved in any other case.

There are no allegations 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.

Consequently, without expressing any opinion on the merits of the case, this petition is allowed. The petitioner shall be released on bail pending trial in case FIR No. 13 dated 16.01.2017 registered under Sections 363,366-A,376 and 511 of the IPC and Section 3/ 4 of Protection of Children from Sexual Offences Act, 2012 at Police Station Division No.5, Ludhiana. , subject to his furnishing requisite bail bonds and surety bonds to the satisfaction of the learned trial Court.

It is made clear that the petitioner shall not try to contact the victim/victims or other witnesses directly or indirectly. In case there is any infraction on the part of the petitioner, liberty is afforded to the victim/prosecution to take necessary steps for cancellation of bail afforded to the petitioner.

(LISA GILL)
JUDGE

11.05.2017
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Whether speaking/reasoned : *Yes/No.*

Whether reportable : *Yes/No.*