

**Criminal Misc. M- No. 16641 of 2017 (O&M)**

Date of decision : July 07, 2017

Jagsir Singh alias Jaj

.....Petitioner

Versus

State of Punjab

....Respondent

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL**Present: Mr. Impinder Singh Dhaliwal, Advocate  
for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

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**LISA GILL, J.**

The petitioner prays for bail pending trial in FIR No. 105 dated 06.08.2016 registered under Sections 366A, 363, 376 IPC and Section 4 of Protection of Children from Sexual Offences Act, 2012 at Police Station Lambi.

It is submitted that the petitioner has been falsely implicated in this case at the behest of the complainant. In fact, the petitioner and the complainant's daughter have friendly relations, which is not to the liking of the petitioner and his family. Furthermore, the alleged victim, it is submitted, is a minor. Reference is made to the statement of the victim under Section 164 Cr.P.C. (Annexure P-3) wherein she has stated that she is 18 years old and she accompanied the petitioner out of her own free will and without any pressure. It is further stated by the victim that she wishes to live with the petitioner. The petitioner, it is submitted, is not involved in any other criminal case. It is, thus, prayed that this petition be allowed.

Learned counsel for the State has opposed this petition while submitting that the question of consent, in this case, is irrelevant as the victim is minor. However, the statement of the alleged victim (Annexure P-3) is not denied. Final report under Section 173 Cr.P.C./challan stands presented. No recovery is to be effected from the petitioner. 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. Trial in this case is not likely to conclude in the near future.

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.

July 07, 2017  
rts

**(Lisa Gill)**  
**Judge**

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