

Criminal Misc. M- No. 16700 of 2017 (O&M)

Date of decision : May 17, 2017

Narinderpal @ Nandu

.....Petitioner

Versus

State of Punjab

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILLPresent: Mr. Sandeep 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. 06 dated 17.01.2017 registered under Sections 363, 366A, 354A, 354D, 343 120 IPC and Section 8 of Protection of Children from Sexual Offences Act, 2012 at Police Station Mehna, District Moga.

It is contended that the petitioner is not named in the FIR or in the statement of the victim recorded under Section 164 Cr.P.C. (Annexure P-2). It is only at a subsequent stage on 28.01.2017, it is mentioned by the alleged victim that the present petitioner helped the co-accused to drop the victim from her school to bus stand, Moga on a motorcycle, which belongs to the petitioner's brother. It is submitted that the petitioner has been falsely implicated at a later stage. He is in custody since 17.01.2017. It is, thus, prayed that this petition be allowed.

Learned counsel for the State, on instructions from ASI Ashok Kumar, affirms that the petitioner is not named in the FIR or in the statement of the victim under Section 164 Cr.P.C. It is submitted that the allegation against him is of helping the co-accused in taking the victim from school to the bus stand. There is no other allegation against him. It is affirmed that final report under Section 173 Cr.P.C. has since been presented. Charge has been framed. The petitioner is not involved in any other criminal 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 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.

(Lisa Gill)
Judge

May 17, 2017
rts

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No