

**Criminal Misc. M- No. 17051 of 2017 (O&M)**

Date of decision : May 18, 2017

Arshad Khan alias Bania

.....Petitioner

Versus

State of Punjab

....Respondent

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

Ms. Shivali, AAG, Punjab.

\*\*\*

**LISA GILL, J.**

Prayer is for bail pending trial to the petitioner in FIR No. 93 dated 08.10.2016 registered under Sections 376, 506, 419 of IPC and Section 4 of Protection of Children from Sexual Offences Act, 2012 at Police Station Sherpur, District Sangrur.

It is submitted that the petitioner has been falsely implicated in the above mentioned FIR. The alleged victim (PW2) has not supported the prosecution version. Reference is made to her statement (Annexure P-2) recorded before the learned trial Court. It is stated by PW2 that a false case has been registered against the accused. No occurrence, as is averred, ever took place. She has been declared hostile. It is further submitted that the alleged victim suffered a statement (Annexure P-3) before the learned SDJM, Dhuri on 08.02.2017 to the effect that she apprehends danger to her life at the hands of her own parents and relatives. A complaint (Annexure

P-4) under Sections 323, 506 IPC was also moved by the alleged victim, who was thereafter sent to the Nari Niketan, Jalandhar, where she is still lodged. The petitioner, it is submitted, is in custody since 10.10.2016. It is, thus, prayed that this petition be allowed.

Learned counsel for the State has opposed this petition on the ground that the alleged victim is a minor. However, it is not denied that the victim has not supported the prosecution version and has been declared hostile. The fact that complaints were submitted by her against her own parents as well as lodging of the victim at Nari Niketan, is not denied. The said facts are confirmed by learned counsel for the State, on instructions from ASI Bhola Singh, Police Station Sherpur, District Sangrur. It is informed that out of eighteen (18) prosecution witnesses six (6) have been examined. The trial, in this case, is not likely to conclude in the near future. 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.

May 18, 2017  
rts

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

Whether speaking/reasoned :  
Whether reportable

:

Yes/No  
Yes/No