

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

Crl. Misc. No. M-17977 of 2017

Date of Decision : July 03,2017

Gurpreet Singh @ Gopi Petitioner

VERSUS

State of Punjab Respondent

CORAM : HON'BLE MRS. JUSTICE LISA GILL

1. Whether reporters of local papers may be allowed to see the judgment?
 2. To be referred to the reporters or not?
 3. Whether the judgment should be reported in the digest?
- ...

Present: Mr. Vikas Arora, Advocate
for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

...

LISA GILL, J. (Oral)

Prayer is for bail pending trial to the petitioner in FIR No.0023 dated 05.02.2017 under Sections 363, 366-A, 457, 380, 120-B IPC registered at Police Station Jandiala District Amritsar.

Learned counsel for the State, on instructions from ASI Balkar Singh, submits that Section 6 of the Protection of Children from Sexual Offences Act, 2012 (POCSO for short) has been added on 27.05.2017 as the date of birth of the prosecutrix is 05.03.2001.

On oral request of learned counsel for the petitioner Section 6

petition. Necessary correction be carried out by the Registry.

It is submitted that the present petitioner has been falsely roped in only because of his relationship with the co-accused namely Arshdeep Singh @ Ashu who is the petitioner's brother. The complainant's daughter in fact had friendly relations with the petitioner's brother Arshdeep Singh @ Ashu. It is contended that even if the contents of the FIR are accepted, it is clear that the complainant's daughter accompanied the petitioner's brother Arshdeep Singh @ Ashu of her own accord in the dead of night on 02.02.2017. There is no evidence on record to show that the present petitioner was in any manner involved in the said matter. The petitioner's brother Arshdeep Singh @ Ashu and the complainant's daughter Navpreet Kaur @ Nisha had sought protection from the Punjab State Human Rights Commission (Annexure P2). In the statement under Section 164 Cr.P.C. the alleged victim has not stated any thing to the effect which would attract the rigors of Sections 363, 366-A, 457, 380, 120-B IPC as well as Section 6 of the Protection of Children from Sexual Offences Act, 2012 qua the present petitioner. The co-accused Arshdeep Singh @ Ashu is in custody. The petitioner is not involved in any other case, therefore, this petition be allowed.

Learned counsel for the State submits that as the victim in this case is a minor, the question of consent or otherwise is irrelevant. However, is it not denied that as per medical record there is no injury on the person of the victim. The FSL report in this case is still awaited. The petitioner's brother is in custody. It is verified that the petitioner is not involved in any other criminal case. The challan in this case has admittedly been presented. No recovery is to be effected from the petitioner. There are no allegations

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.

03.07.2017
rupi

(LISA GILL)
JUDGE

Note: Whether speaking/reasoned

Yes / No

Whether Reportable:

Yes / No