

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

Criminal Misc. No.M- 19084 of 2017(O&M)

Date of Decision: November 13 , 2017.

Charanjit Singh PETITIONER (s)

Versus

State of Punjab RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Surinder Thakur, Advocate
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

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?

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No.61 dated 06.12.2016 under Sections 363/366A/376(2) IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012, registered at Police Station Gardhiwala, District Hoshiarpur.

It is submitted that the petitioner has been falsely implicated in this case. The victim in this case is his cousin. She had accompanied the petitioner out of her own free will on 26.11.2016 and remained with him till 07.01.2017. It is further submitted that the alleged victim in this case was over 18 years of age.

Moreover, the complainant in this case i.e., mother of the prosecutrix, it is submitted, has not supported the prosecution version. While testifying before the learned trial court as PW5 she stated that the petitioner did not entice her daughter and he is not guilty of the commission of any offence. The said witness has been declared hostile and subjected to cross-examination by the public prosecutor. The prosecutrix in this case though supporting the prosecution version has admitted that she accompanied the petitioner out of her own free will and recorded this fact before the doctor who conducted her medical examination. The petitioner has been in custody since 07.01.2017 and is not involved in any other case. All the material witnesses in this case have been examined. It is thus prayed that this petition be allowed.

Certified copies of statement of the prosecutrix (PW1) as well as the complainant (PW5) and Dr. Balwinder Pal (PW4), produced in Court today, are taken on record subject to just exceptions.

Learned counsel for the State submits that question of consent or otherwise is irrelevant as the victim in this case is a minor. However, it is not denied that the complainant has not supported the prosecution version. The victim in this case has since testified before the learned trial court. It is verified, on instructions from ASI Satpal Singh, that the petitioner is not involved in any other criminal case.

The effect or otherwise of the complainant turning hostile in this case, needless to say, is in the domain of the learned trial court and the effect or otherwise thereof shall be considered by the learned trial court. The petitioner is not reported to be involved in any other criminal case. He is in custody since

07.01.2017. It is informed that only five (5) of the twenty (20) prosecution witnesses have been examined. Trial in this case is not likely to conclude in the near future. Further incarceration of the petitioner is not called for.

There are no allegations on behalf of the State that the petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts before the Court, if released on bail.

Keeping in view the facts and circumstances as above but without commenting upon or expressing any opinion on the merits of the case, this petition filed by Charanjit Singh is allowed. The petitioner shall be released on bail pending trial subject to his furnishing requisite bail bonds and surety to the satisfaction of the learned Trial Court.

It is made clear that the petitioner shall not directly or indirectly try to contact the complainant/victim or any of her family members in any manner. Any such infraction on the part of the petitioner may entail cancellation of his bail.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

November 13 , 2017.
'om'

(LISA GILL)
JUDGE

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