

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

Crl. Misc. No. M-22859 of 2017

Date of Decision : July 06,2017

Sukhwinder Singh @ Happy 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?

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Present: Mr. S.C.Arora, Advocate
for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

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LISA GILL, J. (Oral)

Petitioner seeks the concession of bail pending trial in FIR No.22 dated 28.03.2015 under Sections 363, 336A and 376 IPC read with Sections 3 & 4 of the Protection of Children from Sexual Offences Act, 2012 registered at Police Station Bariwala, District Sri Muktsar Sahib.

It is submitted that the petitioner has been falsely implicated at the behest of the complainant. In fact, the petitioner and the alleged victim i.e. the complainant's daughter solemnized marriage on 22.10.2016. Thereafter they are blessed with a daughter who is about 03 months old. Furthermore, the alleged victim PW1 has not supported the prosecution version while testifying before the learned trial Court. The victim

are blessed with a daughter. The said witness has been declared hostile. Copy of her statement recorded on 08.05.2017 is appended as Annexure P3 with this petition. It is further informed that the alleged victim along with the child are residing with the parents of the present petitioner. Therefore this petition be allowed.

Learned counsel for the State is unable to deny that the victim PW1, has not supported the prosecution version. She has indeed been declared hostile. It is specifically stated by the victim that she married the petitioner and was living with him as his wife out of her own accord. It is further mentioned that she was major at the time of her marriage.

The petitioner is not involved in any other case. There are no allegations that the 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 of the 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.

06.07.2017
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(LISA GILL)
JUDGE

Note: Whether speaking/reasoned

Yes / No

Whether Reportable:

Yes / No