

Criminal Misc. M- No. 23443 of 2017 (O&M)

Date of decision : August 03, 2017

Nankan

.....Petitioner

Versus

State of Punjab

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILLPresent: Mr. Naveen Bawa, Advocate
for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

LISA GILL, J.**CRM No. 24239 of 2017**

Prayer in the application is for placing on record statement and cross examination of PW2 as Annexures P-4 and P5. The same are taken on record, subject to just exceptions. Filing of certified copies thereof is exempted.

Application is disposed.

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The petitioner prays for bail pending trial in FIR No. 224 dated 18.12.2015 registered under Section 346 IPC (Sections 363/366A, 212, 376 IPC and Sections 3 & 4 of Protection of Children from Sexual Offences Act, 2012 added later and Section 346 IPC was deleted) at Police Station Division No. 6, District Ludhiana.

It is submitted that the petitioner is the father of the co-accused Daddu, who is alleged to have solemnised marriage with the alleged victim i.e. daughter of the complainant. The victim in her statement under Section 164 Cr.P.C. (Annexure P-2) has not attributed any role to the petitioner. Furthermore, the victim has deposed before the learned trial Court. Her statement is annexed as Annexure P-4. She has not attributed any specific role to the petitioner. In fact, it is categorically stated by her that the present petitioner is not interfering in any manner. The petitioner is in custody since 28.12.2015. No useful purpose shall be served by keeping the petitioner incarcerated any longer. It is, thus, prayed that this petition be allowed.

Learned counsel for the State is unable to deny the statement of the victim recorded under Section 164 Cr.P.C. or before the learned trial Court. It is verified on instructions from ASI Rajwant Singh that the petitioner is not involved in any other criminal case. Trial in this case is not likely to conclude in the near future.

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 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.

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.

August 03, 2017
rts

(Lisa Gill)
Judge

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