

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

Criminal Misc. No.M- 23706 of 2017(O&M)

Date of Decision: July 18 , 2017.

Rohit Kumar PETITIONER (s)

Versus

State of Punjab RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Naveen Bawa, Advocate
for the petitioner.

Ms. Monika Jalota, 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.2 dated 02.01.2016 under Sections 363/366A IPC (the offences punishable under Section 376 IPC, Section 4 of the Protection of Children from Sexual Offences Act, 2012 and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 were added later), registered at Police Station Sahnewal, District Ludhiana.

It is submitted that the petitioner has been falsely implicated in this case. The alleged victim, her mother as well as the complainant have since

testified before the learned trial court. They have not supported the prosecution case. The said witnesses have refused to identify the petitioner as the accused person. Therefore, this petition be allowed.

Learned counsel for the State, on instructions from ASI Dhanwant Singh, verifies that the complainant, his wife as well as their daughter (the victim) have not supported the prosecution version. They have indeed refused to identify the petitioner as the accused. The petitioner, it is verified, is not involved in any other case.

Trial is not likely to conclude in the near future. No useful purpose would be served by keeping the petitioner incarcerated any longer in the facts and circumstances of this case. 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 in 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 Rohit Kumar 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 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.

July 18 , 2017.
'om'

(**LISA GILL**)
JUDGE

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