

**109+215 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-26715-2017 in/and
CRM-M-23888-2017
Date of Decision : 25.08.2017

Lalit Kumar @ LalPetitioner
versus

State of PunjabRespondent

CORAM : HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Manish Puri, Advocate
for the petitioner.

Mr. Davinder Bir Singh, DAG, Punjab.

LISA GILL, JUDGE (ORAL)

CRM-26715-2017

A copy of Rapat Rojnamcha No.19 dated 28.11.2014
(Annexure P-5) is taken on record subject to just exceptions. Filing of
certified copy of the same is exempted.

Application stands disposed of.

CRM-M-23888-2017

Petitioner prays for the concession of bail pending trial in FIR
No.163 dated 19.11.2014 under Sections 363, 366 IPC (Sections 366-A,
212, 368, 376, 120-B IPC, Section 5(L), Section 6 of POCSO Act, 2012
added later on) registered at Police Station Division No.2 Pathankot.

It is submitted that the petitioner has no role to play in the
commission of the offences, if any. The petitioner is the father of the
accused-Prince in this case. FIR in this case was initially registered under
Sections 363/366 IPC on 19.11.2014. As per the allegations in the FIR, the

two alleged victims were enticed by the co-accused-Prince and others. The petitioner's name cropped up on 28.11.2014 wherein, it is alleged that he has provided shelter to the co-accused-Prince and Abhishek and permitted the said co-accused, along with two victims, to stay in his house.

It is contended by learned counsel for the petitioner that in fact the petitioner is not residing with his son Prince. The petitioner was residing at Ludhiana with his second wife. He is, admittedly, separated from his first wife i.e. mother of the co-accused-Prince. When the co-accused-Prince and Abhishek approached him at Ludhiana along with the two victims, he himself approached the police authorities and produced them before the authorities. He has falsely been implicated in this case for having provided shelter to the co-accused. One of the co-accused-Abhishek has since solemnized marriage with the victim he is alleged to have enticed away. Moreover, the petitioner was released on bail under Section 167 (2) Cr.P.C., thereafter, the offences punishable under Section 376 IPC, Section 5(L) and Section 6 of POCSO Act were added. The petitioner, thereafter, surrendered on 19.09.2016. He has been in custody since then and the trial is not making any headway. Therefore, this petition be allowed.

I have heard learned counsel for the parties.

It is not denied by learned counsel for the State that the allegation against the petitioner is of providing shelter to the co-accused. No other allegation has been raised against the petitioner.

Learned counsel for the State, on instructions from ASI Ram

Lal, verifies that the petitioner is not involved in any other criminal 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. Trial in this case is not likely to conclude in the near future.

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 is allowed. The petitioner 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.

(LISA GILL)
JUDGE

25.08.2017

Neha

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No