

Criminal Misc. M- No. 25582 of 2017 (O&M)

Date of decision : August 03, 2017

Dinesh Kumar

.....Petitioner

Versus

State of Punjab

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Vishal Aggarwal, Advocate
for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No. 23 dated 22.02.2017 registered under Sections 376, 354D, 363, 366A IPC and Section 4 of Protection of Children from Sexual Offences Act, 2012 at Police Station Division No. 2, District Pathankot.

It is submitted that the above said FIR was registered against the petitioner due to pressure exerted upon the complainant by her parents. This fact is sought to be substantiated with reference to affidavit dated 19.04.2017 (Annexure P-4) suffered by the alleged victim/complainant. Learned counsel further submits that CRM-M No. 15339 of 2017 has been filed by the petitioner for quashing of the above said FIR. Notice of motion has been issued in the said case. The complainant/victim appeared before

this Court on 03.05.2017 in the said case. It is noted in order dated 03.05.2017 (Annexure P-5) that the victim stated herself to be major, being over eighteen years of age. She further stated that FIR in question was registered due to pressure exerted upon her at that time whereas she had friendly relations with the petitioner and wishes to marry him. The mother and brother of the victim were present with her in Court on the said date. The victim's father, it is noted, was not agreeable for this alliance but it was accepted that at that time the victim was major.

This matter was adjourned to 24.07.2017 to enable learned counsel for the State to verify the authenticity of affidavit dated 19.04.2017 (Annexure P-4).

Learned counsel for the State, on instructions, from ASI Ram Lal submits that the said affidavit has indeed been executed by the victim. It is further submitted that the victim suffered a statement before the police on 31.07.2017 in tune with the affidavit submitted by her. Statement of the father and brother of the victim in this regard has also been recorded. It is verified that the petitioner is not involved in any other criminal case. Final report under Section 173 Cr.P.C. has been presented in this case.

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. Trial, in this 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.

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