

Criminal Misc. M- No. 26679 of 2017 (O&M)

Date of decision : August 02, 2017

Shivam Gulati @ Gogi @ Gaggi

.....Petitioner

Versus

State of Punjab

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Harmanjit Singh Jugait, Advocate for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No. 13 dated 16.01.2017 registered under Sections 363, 366A, 376, 511 IPC and Section 34 of Protection of Children from Sexual Offences Act, 2012 at Police Station Division No. 5, Ludhiana.

It is submitted that the petitioner has been falsely implicated in this case. Furthermore, the victim in her statement under Section 164 Cr.P.C. reveals that she alongwith her friend accompanied the petitioner and the co-accused out of her own free will. The allegations therein do not attract the rigours of Sections 376, 511 IPC and Section 3/4 of Protection of Children from Sexual Offences Act, 2012. Moreover, the co-accused Jatin has been granted the concession of bail pending trial by this Court on 11.05.2017 in CRM-M No. 15939 of 2017 (Annexure P-6). It is, thus, prayed that this petition be allowed.

Learned counsel for the State submits that the victim/victims in this case are minors, therefore, their consent, if any, is irrelevant. However, statement under Section 164 Cr.P.C. suffered by the victim is not denied. It

is not in dispute that the co-accused has been afforded the benefit of bail pending trial by this Court on 11.05.2017. After presentation of final report under Section 173 Cr.P.C., charge against the petitioner has been framed. It is verified that the petitioner is not involved in any other criminal 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.

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 made clear that the petitioner shall not try to contact the victim/victims or other witnesses directly or indirectly. In case, there is any infraction on the part of the petitioner, liberty is afforded to the victim/prosecution to take necessary steps for cancellation of bail afforded to the petitioner.

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 02, 2017

rts

(Lisa Gill)
Judge

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