

Criminal Misc. No. M- 26732 of 2017 (O&M)

Date of decision : October 26, 2017

Ramanpreet Singh

.....Petitioner

Versus

The State of Punjab

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILLPresent: Mr. Hoshiar Singh Jaswal, Advocate
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

Ms. M.N. Jajoria, Advocate
for the complainant.

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No. 125 dated 19.10.2016 under Sections 376, 312 and 120B IPC registered at Police Station Mataur, District Mohali.

It is submitted that the petitioner has been falsely implicated in this case. Even as per the allegations in the FIR, the complainant and the petitioner had friendly relations about three years prior to the registration of the FIR. It is alleged that the petitioner on a false promise of marriage maintained physical relations with the complainant. Learned counsel for the petitioner submits that though an allegation of a forcible abortion has been raised in the FIR, there is no such evidence on record. Moreover, the complainant, who has already deposed before the learned trial Court on 31.08.2017, has admitted that relations between the petitioner and the complainant were maintained

even after the alleged abortion. The relationship, if any, between the parties, it is submitted, was clearly consensual. The complainant is major, being about 25 years old. The petitioner, it is stated, is not involved in any other criminal case. It is, thus, prayed that this petition be allowed.

I have heard learned counsel for the parties.

Learned counsel for the complainant submits that the parents of the petitioner had tried to intimidate and pressurise the complainant to withdraw her allegations though no specific representation or complaint in this respect has been produced or referred to before this Court. It is not denied that the complainant has since deposed before the learned trial Court. Photocopy of the statement of PW1 produced in Court is taken on record subject to just exceptions.

Learned counsel for the State, on instructions from ASI Lakhwinder Bhatti, verifies that the petitioner is not involved in any other criminal case. The complainant, in this case, has since testified before the learned trial Court.

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 to the satisfaction of the learned trial Court.

It is, however, clarified that the petitioner shall not try to contact the complainant or any of her family members in any manner - directly or indirectly. Any such infraction on the part of the petitioner may entail cancellation of his bail.

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.

October 26, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No