

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

**Crl. Misc. No. M-27197 of 2017
Date of Decision : October 03,2017**

Hardeep SinghPetitioner

Versus

State of Punjab Respondent

CORAM : HON'BLE MRS. JUSTICE LISA GILL

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Present: Ms. Gurvir Kaur, Advocate
for the petitioner.

Mr. Rahul Rathore, DAG, Punjab.

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LISA GILL, J. (Oral)

The petitioner seeks the concession of bail pending trial in FIR No. 64 dated 30.07.2016 under Sections 363, 366-A, 376 IPC as well as Section 4 of Protection of Children from Sexual Offences Act, 2012 (added later on) registered at Police Station Sadar, Abohar, District Fazilka.

It is submitted that the petitioner has been falsely implicated in this case. In fact, the petitioner and the victim had friendly relations with each other. The victim had accompanied the petitioner out of her own free will and volition. However, her parents were against their alliance and it is due to this reason that the present case has been registered against the petitioner. Learned counsel for the petitioner while pointing out to the Medico Legal Report dated 02.08.2016 (Annexure P2) submits that absence of injuries-external or internal on the person of the victim, further falsifies the prosecution case. Moreover, the material witnesses in this case i.e. the victim as well as her parents have since been examined before the learned

trial Court. The petitioner has been in custody since 02.08.2016. Therefore, this petition be allowed.

Learned counsel for the State while opposing this petition submits that the question of consent or otherwise is immaterial as the victim in this case is about 16-1/2 years old. However, learned counsel for the State, on instructions, from ASI Sahib Singh, Police Station Sadar, Abohar, District Fazilka, verifies that the victim as well as her parents have since testified before the learned trial Court. The petitioner is not reported to be involved in any other criminal case. There are no allegations 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. The petitioner shall not try to contact the victim or any of her family members directly or indirectly in any manner. Any interaction will result in cancellation of the bail.

None of the observations made here-in-above shall be construed to be a reflection on merits of the case and shall have no bearing on trial.

03.10.2017
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(LISA GILL)
JUDGE

Note: Whether speaking/reasoned
Whether Reportable:

Yes / No
Yes / No