

Criminal Misc. M- No. 27386 of 2017 (O&M)

Date of decision : August 03, 2017

Satraf Hussain

.....Petitioner

Versus

State of Punjab

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. N.S. Sodhi, Advocate
for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No. 18 dated 21.03.2017 registered under Sections 363, 366A, 120B IPC and Protection of Children from Sexual Offences Act, 2012 and Section 3 and 4 of The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act at Police Station Ajitwal, District Moga.

It is submitted that the petitioner has been falsely implicated as he tried to help out the alleged victim in this case. It is submitted that the alleged victim was tired of the ill-treatment meted out by the complainant i.e. her step father. It is submitted that the petitioner is not guilty of the offences as mentioned in the FIR. The victim had herself approached the petitioner while wishing to flee from her step father. When the petitioner realised that she was still a minor, it was decided that the petitioner and the victim would solemnise marriage only after she attained majority.

Thereafter, the petitioner, it is submitted, himself went to the police station and disclosed the incident but he has been falsely involved in this case. The statement of the alleged victim under Section 164 Cr.P.C. was recorded on 23.03.2012 wherein she clearly exonerated the petitioner of having committed any offence. The victim stated that she did not wish to go back to her parental home. She was troubled by her step father and wished to marry the petitioner, who has undertaken to marry her after she attains the age of majority. The victim further stated that she was not enticed or kidnapped by the petitioner neither was she subjected to any forcible act by the petitioner. She has denied any physical relations with the petitioner. The victim was sent to Nari Niketan, Jalandhar as she refused to accompany her step father and mother. As of now, she is still lodged at Nari Niketan, Jalandhar. It is, thus, prayed that this petition be allowed.

Learned counsel for the State, on instructions from HC Haqeeqat Singh, verifies the statement suffered by the victim under Section 164 Cr.P.C. It is affirmed that the victim is lodged at Nari Niketan, Jalandhar as she had refused to accompany her mother and step father. Final report under Section 173 Cr.P.C. has been presented in this case. 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. 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

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