

CRM-M-27694-2017

Date of Decision : 29.08.2017

Ashok Kumar

.....Petitioner

versus

State of Punjab

....Respondent

CORAM : HON'BLE MRS. JUSTICE LISA GILL**Present:** Mr. Vishavjeet Singh, Advocate
for the petitioner.

Mr. Davinder Bir Singh, DAG, Punjab.

Mr. Charanpreet Singh, Advocate for
Mr. B. S. Kathuria, Advocate
for the complainant.**LISA GILL, JUDGE (ORAL)**

Petitioner prays for the concession of bail pending trial in FIR No.81 dated 28.04.2017 under Sections 363, 366-A, 120-B IPC (Section 376 IPC added later on) and Sections 4 to 8 of Prevention of Children from Sexual Offences Act (in short "POCSO Act") registered at Police Station City Phagwara District Kapurthala (Punjab).

It is submitted that the petitioner has been falsely implicated in this case because of his relationship with the co-accused-Sidhant (non-applicant) who is alleged to have allured the complainant's daughter, in order to marry her. Allegations of connivance with Sidhant for alluring the complainant's daughter, have been levelled against the petitioner. The petitioner is the father of co-accused Sidhant.

It is contended that the complainant's daughter and the petitioner's son solemnized marriage out of their own free will on

20.04.2017. The alleged victim in her statement under Section 164 Cr.P.C. (Annexure P-3) stated that her parents did not accept her relationship with the petitioner's son rather she was subjected to physical abuse. Her parents expelled her from home in March, 2017. It is further stated that the victim spent a night at Railway Station, Jalandhar after being thrown out of her home and thought of committing suicide but she was stopped from taking this step by the petitioner's son. They solemnized marriage out of their own free will. It is informed that the victim is now lodged at the Gandhi Vanit Ashram (Protective Home) Jalandhar. Moreover, the delay of 8 days, in the lodging of FIR, it is submitted, casts a shadow thereon. Therefore, this petition be allowed.

Heard learned counsel for the parties.

Learned counsel for the State as well as the complainant are unable to deny the statement suffered by the victim under Section 164 Cr.P.C. neither it is denied that the victim is presently lodged at Gandhi Vanita Ashram (Protective Home), Jalandhar as she refused to reside with her parents.

Learned counsel for the State, on instructions from Head Constable Gurdial Singh, informs that final report under Section 173 Cr.P.C., in this case, has since been presented and verifies that petitioner is not involved in any other criminal case.

There are no allegations on behalf of the State that the 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 near future.

Keeping in view the facts and circumstances as above but without commenting upon or expressing any opinion on the merits of the case, this petition is allowed. 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 clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

(LISA GILL)
JUDGE

29.08.2017

Neha

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No