

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

CRM-M No.29572 of 2017

Date of Decision: 21.08.2017

Harmail Singh

. . . Petitioner

Versus

State of Punjab

. . . Respondent

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. B.S. Bhalla, Advocate
for the petitioner.

Mr. Davinder Bir Singh, DAG, Punjab.

Lisa Gill, J. (Oral)

The petitioner prays for bail pending trial in FIR No.06 dated 17.01.2017, under Sections 363/366-A IPC (offence under Sections 343/354-A/354-D/120-B IPC and Section 8 of the Protection of Children from Sexual Offence Act, 2012 (hereinafter referred as POCSO Act, 2012), Police Station Mehna, District Moga.

It is contended that the petitioner has been falsely implicated in this case. Reference is made to the statement of the alleged victim recorded under Section 164 Cr.P.C. (Annexure P-2). The victim in her statement under Section 164 Cr.P.C recorded that she accompanied the petitioner to watch a film on 16.01.2017 at 08.30 a.m. Thereafter, they stayed in a hotel till 21.01.2017. She further states that she went to

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Ludhiana with the petitioner out of her free will and petitioner did not commit any wrong with her and nothing happened between them.

Learned counsel for the petitioner submits that in view of the above said statement and in the absence of any other evidence, the offences as alleged are not made out against the petitioner. Moreover, the petitioner is in custody since 23.01.2017. Trial in this case is not likely to conclude in the near future. Complainant has already testified before the learned Trial Court. Therefore, this petition be allowed.

Learned counsel for the State, on instructions from ASI Raj Dheer, verifies that final report under Section 173 Cr.P.C. has since been presented. Three (03) out of eighteen (18) prosecution witnesses have been examined in this case. The 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.

The petitioner is in custody since 23.01.2017. No recovery is to be effected from him. Trial in this case is not likely to conclude in the near future. No useful purpose would be served by keeping the petitioner incarcerated any longer in the facts and circumstances of this case.

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 filed by Harmail Singh is allowed. The petitioner shall be released on bail pending trial subject to his furnishing requisite bail bonds and surety to the satisfaction of the learned Trial Court.

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It is clarified that the petitioner shall not in any manner attempt to contact the victim or her family members. Any infraction in this regard by the petitioner may lead to cancellation of bail granted to him.

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.

[LISA GILL]
JUDGE

August 21, 2017
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Whether Speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No