

CRM-M-29791-2017

Date of Decision : 21.08.2017

Bikram Singh @ Vicky

.....Petitioner

versus

State of Punjab

....Respondent

**CORAM : HON'BLE MRS. JUSTICE LISA GILL****Present:** Mr. P.K.S. Phoolka, Advocate  
for the petitioner.

Mr. Davinder Bir Singh, DAG Punjab.

**LISA GILL, JUDGE (ORAL)**

Petitioner prays for the concession of bail pending trial in FIR No.07 dated 06.01.2017 under Sections 363/366-A IPC and Section 4 of POCSO Act, 2012 (Section 376 IPC added vide Rapat No.18 dated 11.01.2017) registered at Police Station Talwandi Sabo, District Bathinda.

It is contended that the petitioner has been falsely implicated in this case which is apparent from the statement of the alleged victim.

Learned counsel for the petitioner refers to the statement of the alleged victim recorded on 10.01.2017 under Section 164 Cr.P.C (Annexure P-2). The victim stated as under:-

*“Bikram Singh is boy of my village and I used to talk with him on phone and we were studying in same school due to which we used to talk on phone. 2- ½ months before my father came to know about this thing due to which my father suffered a heart attack and he expired. My uncle Boota Singh my maternal uncle and my aunt Kulwinder Kaur said me that they will call to my maternal grandparents and*

*they shall kill us both. My mother locked me inside the room on 06.01.2017. Next day at 5:30 AM when my mother woke up and she opened the lock then I scaled from the backside wall and went to the house of Bikram. Bikram used to sleep alone in his room and Bikram said me to go to my house but I said him that my parents will kill me or either I will take poison. He was having only 200 rupees then he took me to Maur Mandi through fields and we stayed at Raman and we stayed at Raman Station. Then we came towards Bhagibandar side at Bhagibandar Avtar Singh of our village saw us. I had taken Bikram and he had not came with his wish and if he had not came with me then I would have taken poison and died. He was helpless to take me. Thus, nothing should be done against him. Bikram had not committed any bad thing with me. I want to marry with Bikram.”*

Moreover, the alleged victim as reiterated the stand while testifying before the learned trial Court on 26.04.2017. The petitioner who is about 21 years old is not involved in any other case. Therefore, this petition be allowed.

I have heard learned counsel for the parties.

Learned counsel for the State is unable to deny the statement of the victim recorded under Section 164 Cr.P.C. or the one suffered by her before the learned trial Court. It is however submitted that consent or otherwise on the part of the victim, is irrelevant, because she is admittedly under 18 years of age.

Be that as it may, it is verified that the petitioner who is about

21 years old 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.

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 the petitioner 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.

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**

**21.08.2017**  
*Neha*

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No