

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

Criminal Misc. No.M- 30514 of 2017(O&M)

Date of Decision: October 27 , 2017.

Mintu PETITIONER (s)

Versus

State of Punjab RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

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

Mr. Rahul Rathore, DAG, Punjab.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No.346 dated 15.12.2016 under Sections 376/506 IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012, registered at Police Station Basti Jodhewal, Ludhiana. The abovesaid FIR was lodged on the statement of the father of the alleged victim.

It is submitted that the petitioner, who is a 19 year old young man, has been falsely implicated in this case. In fact, the petitioner and the complainant's daughter had friendly relations. It is under the pressure of her

parents that the victim suffered a statement under Section 164 Cr.P.C. against the petitioner. Learned counsel for the petitioner submits that the alleged victim has since testified before the learned trial court on 13.09.2017. She has not supported the prosecution version. She has been declared hostile and subjected to cross-examination by the prosecution. Therefore, no useful purpose would be served by keeping the petitioner incarcerated any longer in the facts and circumstances of the case. The present petitioner is not involved in any other criminal case. Therefore, this petition be allowed.

Certified copy of the victim's statement dated 13.09.2017, produced in Court today, is taken on record subject to just exceptions.

Learned counsel for the State, on instructions from HC Gurdial Singh, verifies that the petitioner is not involved in any other criminal case. He is unable to deny that the victim in this case has not supported the prosecution version. Eight (8) prosecution witnesses are yet to be examined.

The petitioner is in custody since 03.01.2017. Trial in this case is not likely to conclude in the near future. 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 Mintu 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.

October 27 , 2017.
'om'

(LISA GILL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No