

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

**Crl. Misc. No. M-31613 of 2017
Date of Decision : September 29,2017**

Saurav ManoharPetitioner

Versus

State of Punjab Respondent

CORAM : HON'BLE MRS. JUSTICE LISA GILL

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Present: Mr. Rajiv Vij, Advocate
for the petitioner.

Mr. Davinder Bir Singh, DAG, Punjab.

...

LISA GILL, J. (Oral)

The petitioner seeks the concession of bail pending trial in FIR No. 32 dated 19.02.2017 under Section 376 IPC registered at Police Station Division No.8, District Jalandhar.

It is submitted that the petitioner has been falsely implicated in this case. Relationship, if any, between the petitioner and the victim was consensual in nature. Learned counsel for the petitioner further submits that the complainant's mother is an accused in four different FIRs i.e. F.I.R. No. 109 dated 2.5.2009 under Sections 308, 323, 380, 120-B IPC, F.I.R. No. 83 dated 16.04.2015 under Sections 22/61/85 of the NDPS Act, 1985, F.I.R. No. 201 dated 17.06.2009 under Sections 3/4/5 of Immoral Trafficking Act, 1956 and 0232 dated 29.11.2015 under Sections 452, 323 IPC.

The present FIR has been lodged with an ulterior motive

against the petitioner. Moreover, the victim in this case is not coming forward to depose before the learned trial Court. Therefore, this petition be allowed.

Heard learned counsel for the parties.

Learned counsel for the State, on instructions, from ASI Ramesh Kumar, Police Station Division No.8, District Jalandhar verifies that the victim in this case has not appeared before the learned trial Court on three occasions despite being summoned. The pendency of four criminal cases as mentioned above against the complainant's mother is also verified. The petitioner is not reported to be involved in any other criminal case. There are no allegations 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. No useful purpose shall be served by keeping the petitioner incarcerated any longer.

Keeping in view the facts and circumstances noted above but without expressing any opinion on the merits of case, it is 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.

None of the observations made here-in-above shall be construed to be a reflection on merits of the case and shall have no bearing on trial.

29.09.2017
rupi

(LISA GILL)
JUDGE

Note: Whether speaking/reasoned

Yes / No

Whether Reportable:

Yes / No