

Criminal Misc. M- No. 3443 of 2017 (O&M)

Date of decision : July 25, 2017

Sarabjit Singh @ Sabha

.....Petitioner

Versus

State of Punjab

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Ms. Satwant Mehta, Advocate
for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No. 28 dated 22.05.2016 registered under Sections 366, 376 IPC at Police Station Chohla Sahib, District Tarn Taran.

It is submitted that even if the allegations in the FIR are accepted, it is clear that the relationship between the petitioner and the complainant was consensual in nature. No offence under Sections 366, 376 IPC is, thus, made out. It is further submitted that the complainant/victim, in this case, has since testified before the learned trial Court. It is, thus, prayed that this petition be allowed.

Learned counsel for the State, on instructions from ASI Kulwant Singh, verifies that the statement of the complainant/victim, in this case, has been recorded by the learned trial Court.

There are no allegations on behalf of the State 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. Trial, in this case, is not likely to conclude in the near future.

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.

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.

July 25, 2017
rts

(Lisa Gill)
Judge

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