

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

Criminal Misc. No.M- 34509 of 2017(O&M)

Date of Decision: October 6 , 2017.

Jaipal Kumar PETITIONER (s)

Versus

State of Punjab RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Ranjit Singh Sidhu, 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.47 dated 29.04.2017 under Sections 376/511/354B/498A/506/120B IPC registered at Police Station Moonak, District Sangrur.

The petitioner is the brother-in-law (Devar) of the complainant. It is submitted that the complainant while appearing as PW1 before the learned trial court has specifically stated that no ill-treatment was meted out to her. She had cordial relations with the petitioner. No such occurrence as mentioned in the FIR took place on 23.04.2017 at about 5.00 a.m. Another material witness PW2 i.e.,

the petitioner's wife has been declared hostile. Statements of the complainant (PW1) and the petitioner's wife (PW2) are attached as Annexures P3 and P4, respectively, with this petition. It is informed that the co-accused Jiwan Kumar has been afforded the concession of bail pending trial by this Court on 19.07.2017 in CRM No.M-24777 of 2017. Therefore, this petition be allowed.

Learned counsel for the State is unable to deny the factual position as above. The petitioner is not reported to be involved in any other criminal case.

The petitioner is in custody since April, 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 Jaipal Kumar 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 6, 2017.
'om'

(LISA GILL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No