

Criminal Misc. No. M- 35782 of 2017 (O&M)

Date of decision : November 24, 2017

Sanoj Kumar

.....Petitioner

Versus

State of Punjab

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Sarju Puri, Advocate for the petitioner.

Mr. Rahul Rathore, DAG, Punjab.

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No. 33 dated 08.03.2016 under Sections 376/511 IPC and Sections 9J(i) and 10 of Protection of Children from Sexual Offences Act, 2012 (for short – 'POCSO Act') registered at Police Station Rahon, District SBS Nagar.

It is submitted that the petitioner has been falsely implicated in this case wherein allegations attracting rigours of Sections 376/511 IPC and Sections 9J(i) and 10 of POCSO Act have been levelled. Learned counsel for the petitioner submits that the complainant while testifying before the learned trial Court has not supported the prosecution version. The complainant on 21.03.2017 stated before the learned trial Court that the petitioner did not commit any act attracting the above said provisions. The complainant has been declared hostile. The petitioner, who has been in custody since March 2016, it is submitted, is not involved in any other criminal case. It is, thus, prayed that this petition be allowed.

Certified copy of the testimony of the complainant recorded on 21.03.2017 produced in Court today is taken on record subject to just exceptions.

I have heard learned counsel for the parties.

Learned counsel for the State, on instructions from ASI Surinder Singh, verifies the fact that the complainant, in this case, has not supported the prosecution version though in examination-in-chief he has narrated the version as mentioned in the FIR but has resiled when cross examined. It is verified that the petitioner, who is 19 years old, is not involved in any other criminal case. Trial in this case is not likely to conclude in the near future.

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.

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 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.

November 24, 2017

rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No