

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

Criminal Misc. No.M- 35942 of 2017(O&M)

Date of Decision: December 21 , 2017.

Kuldeep Singh

..... PETITIONER (s)

Versus

State of Punjab

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Jaswinder Singh Grewal, 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.50 dated 26.05.2017 under Sections 376/363/366 IPC (Challan/final report under Section 173 Cr.P.C. presented under Sections 376/363/366/450/506/342 IPC), registered at Police Station Bahawala Tehsil Abohar, District Fazilka

It is submitted that the petitioner has been falsely implicated in this case. Relationship, if any, though denied is purely consensual in nature. The prosecutrix is a married lady, having three children. The petitioner is admittedly the son of the maternal aunt (Massi) of the complainant's husband i.e., the

petitioner is a cousin of the complainant's husband. As per the allegations in the FIR, the petitioner developed physical relations with the complainant after showing certain objectionable photographs of the complainant, which he had clicked. The last incident mentioned in the FIR is of 20.05.2017.

Learned counsel for the petitioner points out that paradoxically an application dated 20.05.2017 (Annexure P1) was submitted by the complainant's husband to the SHO, Police Station Bahawala alleging that the petitioner had taken away his wife and children in a forcible manner. Learned counsel thereafter refers to the statement (Annexure P2) of the complainant suffered in the said proceedings. The complainant stated that she had gone to Abohar out of her own free will being frustrated with her husband. She had not eloped with anybody neither was there any pressure upon her in this regard. It is submitted that the petitioner, who is not involved in any other criminal case, undertakes to face proceedings and not misuse the concession of bail pending trial, if afforded to him. Therefore, it is prayed that this petition be allowed.

Learned counsel for the State has opposed this petition while submitting that specific allegations have been levelled against the petitioner. However, it is not denied that final report under Section 173 Cr.P.C. has since been presented. Charge against the petitioner has been framed. The petitioner is not reported to be involved in any other criminal case.

Trial in this case is not likely to conclude in the near future. No useful purpose would be served by keeping the petitioner incarcerated any longer in the facts and circumstances of this case. 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 before the Court, if released on bail.

Keeping in view the facts and circumstances of the case but without commenting upon or expressing any opinion on the merits thereof, this petition filed by Kuldeep Singh is allowed. 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 made clear that the petitioner shall not directly or indirectly try to contact the complainant-prosecutrix/any of her family members or witnesses in this case. Any such infraction on the part of the petitioner may entail cancellation of his bail.

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.

December 21 , 2017.
'om/rts'

(**LISA GILL**)
JUDGE

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