

**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

Criminal Misc. No.M- 3890 of 2017(O&M)

Date of Decision: March 14 , 2017.

Tajinder Singh @ Bablu PETITIONER (s)

Versus

State of Punjab RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. G.S.Verma, Advocate
for the petitioner.

Mr. K.D.Sachdeva, Addl.AG, 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.236 dated 15.08.2014 under Sections 363/366A/376 IPC registered at Police Station Basti Jodhewal, District Ludhiana.

It is submitted that though the victim in this case was a little under 18 years of age at the time of incident, she had left her parental home out of her own free will and volition. She accompanied the petitioner on 12.08.2014 and remained with him for a number of days at various places till 17.08.2014. It is stated that the victim has already deposed before the learned trial court. It is

admitted by her that she stayed at various places with the petitioner. Learned counsel for the petitioner further submits that in her statement under Section 164 Cr.P.C. recorded on 19.08.2014, she had specifically stated that she did not want to accompany her parents and she was sent to Nari Niketan, Jalandhar where she remained for 13 days. It is argued that the petitioner is in custody since 15.08.2014. The victim has already been examined therefore, this petition be allowed.

Learned counsel for the State opposed this petition on the ground that consent or otherwise on the part of the victim is irrelevant as she was admittedly under 18 years of age at the time of alleged occurrence.

Learned counsel for the State, on instructions from ASI Balbir Singh, has however not denied that the victim in this case has since testified before the learned trial court. The factum of her statement recorded under Section 164 Cr.P.C. and her subsequent stay at Nari Niketan at Jalandhar is also not in dispute.

The petitioner has been in custody since 15.08.2014. About seven witnesses out of a total fifteen are yet to be examined. The petitioner is not involved in any other case. Further incarceration of the petitioner in the facts and circumstances of the case is not called for. Trial 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 other witnesses from deposing true facts in the Court, if released on bail.

In view of the above but without commenting or expressing any opinion on the merits of the case, this petition filed by Tajinder Singh @ Bablu

is allowed. The petitioner shall be released on bail pending trial subject to his furnishing requisite bail bonds and surety bonds to the satisfaction of the 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 and the same are confined for the purpose of decision of the present petition only.

March 14 , 2017.
'om'

(LISA GILL)
JUDGE

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