

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

Criminal Misc. No.M- 39167 of 2017(O&M)

Date of Decision: December 13 , 2017.

Arshdeep Singh @ Ashu

..... PETITIONER (s)

Versus

State of Punjab

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Vikas Arora, Advocate
for the petitioner.

Mr. Saurav Khurana, 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.0023 dated 05.02.2017 under Sections 363/366A/376/457/380/120B IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012, registered at Police Station Jandiala, District Amritsar.

It is submitted that the petitioner has been falsely implicated in this case due to solemnization of marriage between the petitioner and daughter of the complainant. They had even sought protection from the Punjab State Human

Rights Commission, Chandigarh. Reference is made to order dated 20.02.2016 (Annexure P2) passed by the Punjab State Human Rights Commission. Learned counsel for the petitioner further submits that the alleged victim in this case has since testified before the learned trial court. She has specifically stated that none had kidnapped or raped her. The victim has not supported the prosecution version and she has been declared hostile. It is thus prayed that this petition be allowed.

Photocopy of the statement suffered by the victim before the learned trial court, produced in Court today, is taken on record subject to just exceptions.

Learned counsel for the State however submits that the victim in this case is admittedly minor being 17 years old. However, it is not denied that she has not supported the prosecution version and has been declared hostile.

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 peculiar 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 Arshdeep Singh @ Ashu 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 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 13 , 2017.
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(LISA GILL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No