

Criminal Misc. M- No. 40930 of 2016 (O&M)

Date of decision : February 07, 2017

Baljit Singh

.....Petitioner

Versus

State of Punjab

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILLPresent: Mr. Karan Choudhary, Advocate
for the petitioner.

Ms. Shivali, AAG, Punjab.

LISA GILL, J.

Prayer in this petition is for grant of bail pending trial to the petitioner in FIR No. 139 dated 21.09.2016 registered under Sections 306/511 Indian Penal Code (for short 'IPC') Sections 376/316 IPC added later at Police Station City Gurdaspur.

Learned counsel for the petitioner submits that no offence under the aforementioned sections is made out against the petitioner. Furthermore, the victim (PW1) has not supported the prosecution case. It is stated that the alleged victim was 20 years old at the time of occurrence. In her statement before the Court, she has specifically stated that she did not give any statement against the petitioner or his family members neither is he guilty of the offences as mentioned above. It is admitted that the petitioner is her first cousin i.e. Maternal uncle's (Mama) son.

Learned counsel for the State, on instructions from ASI Ajay Rajan, Police Station City Gurdaspur verifies the aforementioned facts. A certified copy of the statement suffered by the victim on 13.01.2017 before the learned trial Court has been produced in Court today. The same is taken on record subject to just exceptions.

I have heard learned counsel for the parties.

The petitioner has been in custody since 24.09.2016. In the factual matrix of the case, no useful purpose shall be served by keeping the petitioner incarcerated any longer. There are no allegations on behalf of the State that petitioner is likely to abscond, if released on bail.

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 shall be released on bail pending trial subject to his furnishing requisite bail bonds and surety bonds to the satisfaction of the learned trial Court.

February 07, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes

Whether reportable : Yes/No