

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

Criminal Misc. No.M- 42370 of 2016(O&M)

Date of Decision: September 8 , 2017.

Lachman Singh PETITIONER (s)

Versus

State of Punjab RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Pardeep Singh Mirpur, Advocate
for the petitioner.

Mr. Davinder Bir Singh, 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.54 dated 02.08.2016 under Sections 354/354A/120B IPC and Sections 8 and 10 of the Protection of Children from Sexual Offences Act, 2012 registered at Police Station Sadar Rampura, District Bathinda.

It is submitted that the petitioner has been falsely implicated in this case in view of complaint dated 27.07.2016 (Annexure P1) submitted by him against the complainant and others. The petitioner, it is submitted, was working as an agricultural labourer with the complainant for the last fifteen months. The

labour charges due towards him were not paid. The petitioner submitted a complaint in this regard and as a counter-blast, the FIR in question has been registered. The petitioner has been in custody since 04.08.2016. It is further submitted that no headway is being made in the trial. An application for discharge moved by two of the accused is pending disposal. It is submitted that the said two co-accused are on bail pending trial. The delay in the conduct of the trial, it is contended, is not due to any act on the part of the petitioner, who is not involved in any other case. The petitioner is a poor labourer and he being in custody, his family members are unable to make both ends meet. Therefore, this petition be allowed.

A statement was made before this Court by learned counsel for the State on 02.03.2017 that the case is fixed before the learned trial court on 07.03.2017 for prosecution evidence. This matter was accordingly adjourned. However, it has now come to light that even charge against the accused has not been framed.

Learned counsel for the State, on instructions from ASI Jagdev Singh, informs that the factual position regarding the stage of trial as above is correct. Final report under Section 173 Cr.P.C. has been presented. Charge is yet to be framed. Application for discharge of two of the co-accused is pending disposal. He however assures that it shall be inquired as to who furnished incorrect information to the State Counsel which was conveyed to the Court and necessary action shall be taken in this regard. It is verified that the petitioner is not involved in any other criminal 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 in the Court, if released on bail.

Keeping in view the facts and circumstances as above but without commenting upon or expressing any opinion on the merits of the case, this petition filed by Lachman Singh is allowed. The petitioner shall 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 victim, the complainant or any of their family members in any manner. 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.

September 8 , 2017.
'om'

(LISA GILL)
JUDGE

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