

Criminal Misc. No. M- 42865 of 2017 (O&M)

Date of decision : November 24, 2017

Kulwinder Singh alias Noni

.....Petitioner

Versus

State of Punjab

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Hitesh Verma, Advocate
for the petitioner.

Mr. Rahul Rathore, DAG, Punjab.

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No. 82 dated 26.08.2016 under Sections 341, 354, 354A, 363, 366A, 511 IPC and Section 8 of Protection of Children from Sexual Offences Act, 2012 registered at Police Station Mehna, District Moga.

It is submitted that the petitioner has been falsely implicated in this case. The victim as well her mother i.e. the complainant have not supported the prosecution version in so far as the present petitioner is concerned. While referring to the statement of the victim PW2 attached as Annexure P-2 with this petition, it is pointed out that the victim refused to identify the present petitioner. The victim has identified the co-accused Inderjeet Singh @ Giani but has specifically stated that she does not know the present petitioner as she had seen him for the first time in the Court. It is submitted that PW1 - complainant in her statement recorded on 24.04.2017 had also refused to identify the present petitioner as an accused. The

petitioner, it is stated, is not involved in any other criminal case. He is in custody since 07.11.2016. It is, thus, prayed that this petition be allowed.

I have heard learned counsel for the parties.

Learned counsel for the State is unable to deny that the complainant as well as the victim have not identified the petitioner as an accused, in this case. It is verified, on instructions from HC Lakhwinder Singh, that the petitioner is not involved in any other criminal case.

There are no allegations on behalf of the State that 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. Trial, in this case, is not likely to conclude in the near future.

No useful purpose shall be served by keeping the petitioner incarcerated any longer. 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 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 reiterated that none of the observations made herein above are a reflection on the merits of the case and shall have no bearing on the trial.

November 24, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No