

CRM-M-44289-2016

Date of Decision : 22.08.2017

Sumit Kumar @ City

.....Petitioner

versus

State of Punjab

....Respondent

CORAM : HON'BLE MRS. JUSTICE LISA GILL**Present:** Mr. G.S. Verma, Advocate
for the petitioner.

Mr. Davinder Bir Singh, DAG, Punjab.

LISA GILL, JUDGE (ORAL)

Petitioner prays for the concession of bail pending trial in FIR No.26 dated 17.02.2016 under Sections 363, 366-A IPC (Section 376 IPC and Section 2, 4, 6 and 8 of POCSO Act, 2012 added later on) registered at Police Station Division No.4, District Ludhiana.

It is contended that the petitioner has been falsely implicated in this case and the same is affirmed by the stand taken by the victim while deposing before the learned trial Court on 27.07.2017 as well as on 09.08.2017. The victim has refused to identify the present petitioner as an accused. It is specifically stated by her that neither he has committed any wrong act with her nor he kidnapped her.

Opportunity was afforded to counsel for the State to verify the same, however, no information is available with the learned State counsel.

It is, however, verified by Mr. Davinder Bir Singh, DAG, Punjab, on instructions from Head Constable Gurpreet Singh, that the petitioner is not involved in any other criminal case.

Copies of the said statements dated 27.07.2017 and 09.08.2017, produced in the Court today, are taken on record subject to just exceptions.

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. Trial in this case is not likely to conclude in near future.

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 the petitioner 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.

Liberty is, however, afforded to the State to move an appropriate application for cancellation of bail to the petitioner, in case, the averments as above, are found to be incorrect.

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.

(LISA GILL)
JUDGE

22.08.2017

Neha

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No