

CRM-M No. 4452 of 2017 O&M)

Date of decision : March 27, 2017

Jagtar Singh @ Jaggi

.....Petitioner

Versus

State of Punjab

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. A.S. Manaise, Advocate
for the petitioner.

Mr. S.S. Chandumajra, Additional AG, Punjab.

LISA GILL, J.

Prayer is for bail pending trial to the petitioner in FIR No. 51 dated 17.07.2016 registered under Sections 376, 452 IPC at Police Station Arniwala, District Fazilka.

It is submitted that the petitioner has been falsely implicated in the above mentioned case due to party faction in the village. The petitioner is engaged in the profession of a barber. There is an unexplained delay of about 36 hours in the registration of the FIR. The prosecutrix, who is married having three children, had refused to record her statement on 16.07.2016 on the ground that she would suffer a statement when her husband was present. Her statement was recorded on the next day. It is further contended that the complainant's husband is employed with an Advocate, who is inimical towards the petitioner on account of the said party faction in the village. Learned counsel for the petitioner submits that it is highly debatable whether offences punishable under Sections 376, 452

place of occurrence and the medical evidence to urge that the prosecution version is highly improbable. Furthermore, it is submitted that the prosecutrix and her husband have testified before the learned trial Court. It is, thus, prayed that this petition be allowed.

Learned counsel for the State while contending that there are serious allegations against the petitioner has not denied that the prosecutrix as well as her husband have since deposed before the learned trial Court. Twelve (12) prosecution witnesses are yet to be examined. The petitioner is admittedly not involved in any other 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. No useful purpose shall be solved 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 bonds 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.

March 27, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes

Whether reportable : Yes/No