

Criminal Misc. M- No. 4737 of 2017 (O&M)

Date of decision : May 09, 2017

Hardeep Singh

.....Petitioner

Versus

State of Punjab

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILLPresent: Mr. M.K. Singla, Advocate
for the petitioner.

Mr. K.D. Sachdeva, Additional AG, Punjab.

LISA GILL, J.

Prayer is for bail pending trial to the petitioner in FIR No. 109 dated 08.09.2016 registered under Section 376, 511, 342, 354-B, 506 IPC and Section 8 of Protection of Children from Sexual Offences Act, 2012 ('the Act' – for short) at Police Station Moonak, District Sangrur.

It is contended that the petitioner has been falsely implicated in this case registered on account of political rivalry. The petitioner, it is submitted, is the President of Aam Admi Party in the village. The complainant's father is a good friend of one Ranjit Singh Walia, who is the local leader of the Congress party. The said Ranjit Singh Walia had earlier lodged a criminal case against the present petitioner during the elections of the Member Parliament in the Constituency though the matter was later compromised. The evidence on record does not reflect the commission of the offences under Sections 376, 511, 342, 354-B, 506 IPC and Section 8 of the Act. There is no medical evidence that any injury was suffered by the complainant. Furthermore, all the material witnesses including the

complainant, her sister and her father have since been examined before the learned trial Court. Both the complainant and her sister have admitted that their father is a friend of Ranjit Singh Walia, who is a Congress leader and Ex-Sarpanch of the village. The complainant's sister has admitted that the petitioner is a President of the Aam Admi Party in the village. It is, thus, prayed that this petition be allowed.

Learned counsel for the State, on instructions, from ASI Paramjit Singh, Police Station Moonak verifies that the material witnesses, in this case, i.e. the complainant, her sister as well as her father have testified before the learned trial Court. The statements of the complainant as well as her sister as mentioned above are not in dispute. It is affirmed on instructions from ASI Paramjit Singh that the petitioner is the President of the Aam Admi Party in the village.

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. The trial of the case is not likely to conclude in the near future. The material witnesses have already been examined. 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 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.

May 09, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes

Whether reportable : Yes/No