

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

**Criminal Misc. No.M-48233 of 2017(O&M)
Date of Decision: December 22, 2017.**

Jagdev Singh @ Gora

Petitioner.

Versus

State of Punjab

Respondent

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Sachin Jain, Advocate
for the petitioner.

Mr.Rahul Rathore, DAG, Punjab.

LISA GILL, J.

Petitioner seeks the concession of bail pending trial in FIR No.14 dated 21.05.2017, under Section 363, 366-A IPC (Section 376 IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012 added later on), registered at Police Station Thulliwal, District Barnala.

As per allegations in the FIR, the victim was reported to be missing since the intervening night of 20/21.05.2017. The victim was produced on 25.05.2017 by the complainant (father of the victim) himself. The present petitioner was arrested on the next day.

It is submitted that the petitioner has been falsely implicated in this case. In-fact, the petitioner and the alleged victim had friendly relations. However, this was not to the liking of the family of the victim. While referring to the Medico Legal Report (Annexure P-2), learned counsel for the petitioner

submits that allegations regarding rape are clearly not substantiated by the evidence on record. It is further submitted that even as per the F.S.L. report, allegations attracting the rigours of Section 376 IPC are not attracted in any manner qua the petitioner. It is further submitted that the complainant as well as the victim have since testified before the learned trial Court. The petitioner is not involved in any other criminal case. It is thus prayed that this petition be allowed.

Heard learned counsel for the parties.

Learned counsel for the State is unable to deny the Medico Legal Report (Annexure P-2). It is further verified that as per the Chemical Examiner Report, semen was not detected on the exhibits sent for examination. It is further verified that the complainant as well as the victim in this case have since testified before the learned trial Court. The petitioner is not reported to be 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 Court, if released on bail. No useful purpose would be served by keeping the petitioner incarcerated any longer in the facts and circumstances of this case.

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 petitioner-Jagdev Singh @ Gora, 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/Duty Magistrate.

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.

It is made clear that the petitioner shall not attempt to contact the complainant/victim or any of the witnesses directly or indirectly. Any infraction in this regard may entail cancellation of his bail.

22.12.2017
s.khan

[LISA GILL]
Judge

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