

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

**Criminal Misc. No.M-48274 of 2017(O&M)
Date of Decision: December 22, 2017.**

Ganesh Kumar

Petitioner.

Versus

State of Punjab

Respondent

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Raj Kumar Gupta, Advocate
for the petitioner.

Mr.Saurav Khurana, DAG, Punjab.

LISA GILL, J.

Petitioner seeks the concession of bail pending trial in FIR No.55 dated 29.03.2016, under Section 363, 366-A, 120-B IPC, registered at Police Station Shimlapuri, District Ludhiana.

It is submitted that the petitioner has been falsely implicated in this case. As per allegations in the FIR, the complainant who is the uncle of the victim stated that he had a belief that the present petitioner had enticed his niece on the pretext of marriage and the co-accused-Sangeeta had facilitated the same. As per statement of the victim under Section 164 Cr.P.C.,(Annexure P-1), the victim was allured on the pretext of marriage with the petitioner by his sister-Sangeeta, brother-in-law and mother-in-law (it is not clarified as to who are the brother-in-law and mother-in-law mentioned in the said statement). She was locked in a room by the abovesaid three persons. The present petitioner is alleged to have broken the sim of the victim's mobile. The victim stated that thereafter, she took a

sim from another person's mobile, put the same in her cell-phone and thereafter called her uncle and his wife. Thereafter, her uncle and aunt alongwith brother Ashok came and rescued her alongwith police party. Learned counsel for the petitioner submits that statement under Section 164 Cr.P.C., by itself is full of discrepancies and lacks credibility. Moreover, there are no specific allegations against the petitioner. The petitioner has been in custody since 03.04.2016 and is not involved in any other criminal case. It is thus prayed that this petition be allowed.

Learned counsel for the State while opposing this petition submits that the victim in this case is a minor. However, on instructions from HC Gurdev Singh, it is verified that the petitioner is not involved in any other criminal case and he is in custody since 03.04.2016.

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-Ganesh Kumar, 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.