

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

**CRM No. M-8058 of 2017
Date of decision: 18.05.2017**

Mohammad Imtiaz

..... Petitioner.

Versus

State of Punjab

..... Respondent.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Yogesh Goel, Advocate, for the petitioner.

Ms. Shivali, AAG, Punjab.

LISA GILL, J.

The petitioner prays for grant of bail pending trial in FIR No. 196 dated 16.07.2016 registered under Sections 363, 366-A, 376, 420, 465, 468, 471, 120-B of the Indian Penal Code (for short 'IPC') and Section 8 of the Protection of Children from Sexual Offences Act, 2012 (for short 'POCSO Act') at Police Station Focal Point, Ludhiana.

It is submitted that the petitioner has been falsely implicated in this case. The petitioner's brother namely, Mohammad Farid @ Sonu (co-accused) solemnized marriage with the alleged victim against the wishes of the complainant i.e. the victim's father. The alleged occurrence is of 07.07.2016 whereas the FIR in question was registered on 16.07.2016. The alleged victim was recovered on 17.07.2016 from the company of the co-accused i.e. the petitioner's brother. Her statement under Section 164 Cr.P.C was recorded on 21.07.2016.

Learned counsel for the petitioner argues that the present petitioner has been charged only for the offences punishable under Sections 420, 465, 468, 471, 120-B of the IPC. There is no averment against him attracting the rigours of Sections 363, 366-A, 376 of the IPC or Section 8 of the POCSO Act. The only allegations against the present petitioner is that he is a witness to the *Nikahnama* between the petitioner's brother (co-accused)

and the alleged victim. The petitioner, it is submitted has been in custody since 24.08.2016. Therefore, this petition be allowed.

Learned counsel for the State opposes this application.

Heard learned counsel for the parties.

Learned counsel for the State is unable to deny the factual position regarding the charges framed against the petitioner. Charge-sheet dated 16.01.2017 is annexed as Annexure P-2 with this petition. Trial in this case is not likely to conclude in the near future. The petitioner has been in custody since August, 2016. He is not involved in any other criminal case. Keeping in view the facts and circumstances of the case noted above, no useful purpose would be served by keeping the petitioner incarcerated any longer. 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. Therefore, without expressing any opinion on the merits of the case, it is considered just and expedient to allow this petition.

Consequently, the petitioner shall be released on bail pending trial in case FIR No. 196 dated 16.07.2016 registered under Sections 363,366-A,376,420,465,468,471,120-B of the IPC and Section 8 of the POCSO Act at Police Station Focal Point, Ludhiana, subject to his furnishing requisite bail bonds and surety bonds to the satisfaction of the learned trial Court.

(LISA GILL)
JUDGE

18.05.2017
PA

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