

Criminal Misc. No. M- 10670 of 2018 (O&M)

Date of decision : March 20, 2018

Baljit Singh @ Bunty

.....Petitioner

Versus

State of Punjab

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILLPresent: Mr. B.S. Jaswal, Advocate for
Mr. Ramesh Sharma, Advocate for the petitioner.

Mr. Anmol Singh Sandhu, AAG, Punjab.

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No. 17 dated 05.03.2016 under Sections 363, 366A, 376 IPC and Sections 4 and 8 of Protection of Children from Sexual Offences Act, 2012 ('the Act' - for short) registered at Police Station Fattudhinga, District Kapurthala.

It is submitted that the petitioner has been wrongly implicated in this case. No offence punishable under Sections 363, 366A, 376 IPC and Sections 4 and 8 of the Act is made out against him. It is further submitted that the alleged victim i.e. daughter of the complainant in her statement before the learned trial Court recorded on 11.10.2017 has not supported the prosecution case. She has specifically stated that she was not kidnapped or abducted by any of the accused neither was she seduced or sexually assaulted by any of the accused including the petitioner. The petitioner, it is submitted has been in custody since 05.03.2016 and is not involved in any other criminal case. It is, thus, prayed that this petition be allowed.

Photocopy of the statement of the victim furnished in Court today is taken on record subject to just exceptions.

I have heard learned counsel for the parties.

Learned counsel for the State is unable to deny that the victim, in this case, has not supported the prosecution case. She has specifically denied that any offence was committed by the petitioner qua her. On instructions, from ASI Tarsem Singh, it is verified that the petitioner is not involved in any other criminal case. It is informed that seven (07) prosecution witnesses are yet to be examined. Trial, in this case, is not likely to conclude in the near future.

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 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 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 20, 2018
rts

(Lisa Gill)
Judge

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