

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

Criminal Misc. No.M- 12756 OF 2018

Date of Decision: April 02, 2018.

DALVIR SINGH @ JAGGI

..... PETITIONER

Versus

STATE OF PUNJAB

..... RESPONDENT

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

**Present: Mr. Sandeep Sharma, Advocate
for the petitioner.**

Mr. Anmol Singh Sandhu, AAG, Punjab

Ms. Darshna Rani, ASI.

- 1. Whether reporters of local papers may be allowed to see the judgment?**
- 2. To be referred to the reporters or not?**
- 3. Whether the judgment should be reported in the digest?**

LISA GILL, J.

The petitioner seeks the concession of bail pending trial in FIR No. 41 dated 26.03.2017 under Sections 376, 511, 452, 506 of IPC and Section 8 of POSCO Act, registered at Police Station Payal, District Ludhiana.

It is submitted that the petitioner who is a young man of 21 years has been falsely implicated in this case. It is argued that the petitioner's family had friendly relation with the family of the prosecutrix for the last 20-25 years. They are immediate neighbors. It is further submitted that the complainant and her husband expressed their wish to get their son married with the daughter of paternal uncle of the petitioner. However the said proposal could

not work out and due to this reason relations between both the families became strained. The petitioner has been falsely implicated in this case. While referring to the statement of the alleged victim recorded before the learned trial Court (Annexure P-2) learned counsel for the petitioner submits that the cordial relations between the families are admitted by the victim PW 2. The victim specifically stated that the families are known to each other from the last about 12 years but they stopped visiting each other since the last 2 or 3 years. However reason for the same was not revealed by her. False implication it is submitted is thus apparent. The petitioner undertakes not to misuse the concession of bail, if afforded to him. It is thus prayed that this petition be allowed.

Learned counsel for the State, on instructions from ASI Darshna Rani verified that the petitioner is not involved in any other criminal case and has been in custody since 26.03.2017. Trial in this case is not likely to conclude in the near future. No useful purpose would be served by keeping the petitioner incarcerated any longer in the present facts and circumstances of this 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 before the Court, if released on bail. It is not denied that the alleged victim in this case has since testified before the learned trial Court and eight prosecution witnesses are yet to be examined.

Keeping in view the facts and circumstances of the case but without commenting upon or expressing any opinion on the merits thereof, this petition 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.

It is made clear that the petitioner shall not directly or indirectly try to contact the complainant-prosecutrix/any of her family members or witnesses in this case. Any such infraction on the part of the petitioner may entail cancellation of his bail.

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.

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

April 02, 2018
tarun sahani

(LISA GILL)
JUDGE