

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

Criminal Misc. No.M-14037-2018 (O&M)

Date of Decision: May 18, 2018.

PARAMJIT SINGH

..... PETITIONER

Versus

STATE OF PUNJAB

..... RESPONDENT

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Rajesh Kapila, Advocate
for the petitioner.

Mr. D.S. Sukarchakia, DAG, Punjab.

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 prays for bail pending trial in FIR No.22 dated 13.04.2016, under Sections 376, 363, 366-A, 323 IPC and Sections 3 and 4 of the Protection of Children from Sexual Offence, registered at Police Station Lakho Ke Behram, District Ferozepur.

It is submitted that the petitioner has been falsely implicated in this case. The prosecutrix has made vacillating statements. No allegations of rape was raised by her at the initial stage. However, in the supplementary statement recorded on 25.04.2016 (Annexure P-2), the prosecutrix specifically stated that she developed intimate relations with the petitioner for the last 5 to 6 months

prior to the alleged occurrence. It is further alleged that the petitioner refused to solemnize marriage with her and in retaliation the present case was registered. However, in her statement under Section 164 Cr. P.C the prosecutrix stated that she had gone to her maternal uncle's home. Three persons came to her house, grabbed her mouth and when she cried out, all of them fled away from the spot and she could not recognize them. It is further submitted that the complainant/victim has since deposed before the learned trial Court. She admitted her statement dated 25.04.2016 (Annexure P-2) under Section 164 Cr.P.C while stating that it was recorded under pressure of the police authorities.

Learned counsel for the petitioner argues that the prosecutrix in her cross-examination, admits that she was married at the age of 19/20 years and she has now been blessed with a child, who is about 5 months. It is thus contended that the age of the prosecutrix being under 18 at the time of occurrence is also suspect. Unexplained delay of three days in lodging the FIR also evokes suspicion. The petitioner undertakes not to misuse the concession of bail, if afforded to him. It is thus prayed that this petition be allowed.

Certified copy of the statement of the victim recorded on 16.05.2018 furnished in Court today is taken on record subject to just exceptions.

Learned counsel for the State submits that specific allegations have been raised by the prosecutrix against the petitioner. The discrepant statements under Section 164 Cr. P.C as well as the supplementary statement (Annexure P-2) stand duly explained.

Be that as it may, the effect or otherwise of discrepant statements of the prosecutrix, if any, shall be considered by the learned trial Court at the appropriate time. No opinion is being expressed thereon.

Learned counsel for the State, on instructions from ASI Gurdial Singh, verifies that the petitioner is not reported to be involved in any other criminal case. 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 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.

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 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.

May 18, 2018
 jyoti-3

(LISA GILL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No