

**Criminal Misc. No. M- 16021 of 2018 (O&M)**

Date of decision : April 27, 2018

Mastani Ram

.....Petitioner

Versus

State of Punjab

....Respondent

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL**

Present: Mr. Deepak Aggarwal, Advocate for the petitioner.

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

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**LISA GILL, J.**

The petitioner prays for bail pending trial in FIR No. 31 dated 07.02.2018 under Sections 363, 366, 506 IPC registered at Police Station Kotwali, Bathinda, District Bathinda.

It is submitted that the petitioner alongwith his wife, his son and another neighbour have been falsely implicated in this case. The alleged victim, who is admittedly 17½ years old, was ill-treated by her own parents. She sought shelter with the petitioner's family. The petitioner and his family immediately informed the victim's family and asked them to take custody of the victim. However, the abovesaid FIR was incorrectly lodged against the petitioner and his family.

It is argued that the victim did not raise any allegation against the petitioner or his family members. Presently, the alleged victim is lodged at Nari Niketan, Jalandhar. In her statement under Section 164 Cr.P.C., the victim clearly stated that she was ill-treated and physically abused by her parents. She was never kidnapped by the present petitioner or anyone else. No offence was committed by the petitioner. There is no allegation of physical abuse or sexual assault raised by the victim against the petitioner. It is, thus, prayed that this petition be allowed.

I have heard learned counsel for the parties.

Learned counsel for the State, on instructions from HC Charanjit Singh verifies that the victim, in this case, is presently lodged at Nari Niketan, Jalandhar as she refused to accompany her parents while raising specific allegations of ill-treatment at their hands. Statement of the victim under Section 164 Cr.P.C., present on the police file, has been perused. The victim has indeed raised allegations of physical abuse against her parents and has completely exonerated the present petitioner and his family members. The victim refused her medical examination. On instructions from HC Charanjit Singh, it is verified that the petitioner is not involved in any other criminal case. 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.

It is, however, clarified that the petitioner shall not try to contact the victim or any of her family members/witnesses in any manner - directly or indirectly. Any such infraction on the part of the petitioner may entail cancellation of his bail.

April 27, 2018

rts

**(Lisa Gill)**  
**Judge**

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