

Criminal Misc. No. M-16107 of 2018 (O&M)

Date of decision : April 25, 2018

Avtar Singh alias Tari

.....Petitioner

Versus

State of Punjab

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILLPresent: Mr. Vikas Mehsempuri, Advocate
for the petitioner.

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

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No. 63 dated 28.07.2017 under Sections 363, 366A, 376D, 120B IPC and Sections 3, 4, 7 of Protection of Children from Sexual Offences Act, 2012 registered at Police Station Cheema, District Sangrur.

It is submitted that the prosecutrix in her statement before the learned trial Court has refused to identify the present petitioner as Avtar Singh, who is accused of commission of rape. The victim specifically stated that she did not know the present petitioner and he has not done any wrongful act with her. Copy of the statement of the victim (PW2) is attached as Annexure P-2. It is, thus, prayed that this petition be allowed.

I have heard learned counsel for the parties.

Learned counsel for the State is unable to deny that the prosecutrix in her statement before the learned trial Court has not identified the present petitioner as the accused Avtar Singh. On instructions, from ASI Ranjit 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 complainant or any of her family members in any manner - directly or indirectly. Any such infraction on the part of the petitioner may entail cancellation of his bail.

April 25, 2018

rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No