

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

Criminal Misc. No.M- 16377 of 2018(O&M)

Date of Decision: April 30 , 2018.

Gurpreet Singh

..... PETITIONER (s)

Versus

State of Punjab

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Tejinder Pal Singh, Advocate
for the petitioner.

Ms. Ruchika Sabharwal, AAG, 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.63 dated 28.07.2017 under Sections 363/366A/376(D)/506/120B IPC and Sections 3/4/5G/5L/6 of the Protection of Children from Sexual Offences Act, 2012, registered at Police Station Cheema, District Sangrur.

It is submitted that the petitioner has been falsely implicated in this case. No overt act has been attributed to the petitioner. Moreover, the victim (PW2) in her statement before the learned trial court has not identified the present

petitioner as the person committing any offence qua her. PW2, the victim did not identify the present petitioner before the learned trial court. The petitioner, it is submitted, is not involved in any other criminal case and he undertakes not to misuse the concession of bail, if afforded to him. It is thus prayed that this petition be allowed.

Photocopy of the statement of the victim (PW2), furnished in Court today, is taken on record subject to just exceptions.

A perusal of the testimony of the victim (PW2) reveals that she indeed did not identify the petitioner as an accused. Similarly situated co-accused Avtar Singh @ Tari has been afforded the concession of bail pending trial by this Court vide order dated 25.04.2018 in CRM No.M-16107 of 2018.

Learned counsel for the State, on instructions from ASI Ranjit 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 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.

April 30 , 2018.
'om'

(LISA GILL)
JUDGE

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