

Criminal Misc. No. M- 16801 of 2018 (O&M)

Date of decision : April 27, 2018

Arvinder Singh @ Bablu

.....Petitioner

Versus

State of Punjab

....Respondent

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

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

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No. 224 dated 16.09.2017 under Sections 376/511 IPC and Sections 3 and 4 Protection of Children from Sexual Offences Act, 2012 registered at Police Station Chheharta, District Amritsar.

It is submitted that the abovesaid FIR was registered due to matrimonial discord between the petitioner and his wife. Moreover, the complainant as well as the victim have not supported the prosecution version while deposing before the learned trial Court. Copies of the statement of the complainant (PW4) as well as of the victim (PW5) are attached with this petition as Annexures P-2 and P-3. 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 complainant and the victim have not supported the prosecution case though it is contended that specific allegations had been raised at an initial stage against the petitioner. Be that as it may, the effect or otherwise of both the

complainant and the prosecutrix not supporting the prosecution version shall be considered by the learned trial Court at an appropriate stage. No opinion is being expressed thereon. On instructions from HC Tarsem 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.

The petitioner is in custody since 16.09.2017. 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.

April 27, 2018
rts

(Lisa Gill)
Judge

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