

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

Criminal Misc. No.M-17789 of 2018(O&M)

Date of Decision:May 03, 2018.

Sandeep Kumar

Petitioner

Versus

State of Punjab

Respondent

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr.Impinder Singh Dhaliwal, Advocate
for the petitioner.

Mr. D.S.Sukarcharkia, DAG., Punjab.

LISA GILL, J.

Petitioners seek the concession of bail pending trial in FIR No.8 dated 21.01.2018, under Sections 363, 366-A, 34 IPC and Section 4 of Protection of Children from Sexual Offences Act, 2012, (for short 'POCSO Act'), registered at Police Station Sadar Malout, District Sri Muktsar Sahib.

It is submitted that the petitioner has been falsely implicated at the instance of the complainant i.e. the father of the alleged victim. Section 4 of POCSO Act, has since been deleted and final report under Section 173 Cr.P.C., has been filed against the present petitioner. The other two persons named in the FIR, have been found innocent. Moreover, the victim in her statement under Section 161 as well as 164 Cr.P.C has clearly stated that she accompanied the petitioner out of her own free will and the petitioner did not develop any relations with her. Statements of the victim under Section 161 and 164 Cr.P.C are attached as Annexures P-3 and P-4 with this petition. It is thus prayed that this petition be allowed.

Learned counsel for the State while opposing this petition submits

that the victim in this case is minor. Therefore, the offences are clearly made out against the petitioner. However, on instructions from ASI Tejinder Singh, it is verified that offence punishable under Section 4 of POCSO Act, has since been deleted. Final report under Section 173 Cr.P.C., has since been presented against the petitioner, who is not reported to be involved in any other criminal 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. 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.

Keeping in view the facts and circumstances of the case but without commenting upon or expressing any opinion on the merits thereof, this petition filed by Sandeep Kumar, is allowed. Petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety to the satisfaction of the learned Trial Court.

Petitioner shall not attempt to contact the victim or any of her family members/witnesses in any manner directly or indirectly. Any such infraction shall entail cancellation of bail afforded to him.

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.

03.05.2018
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.