

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

**Criminal Misc. No.M-17841 of 2018(O&M)**  
**Date of Decision:May 03, 2018.**

Lala Ram @ Ajay

Petitioner

**Versus**

State of Punjab

Respondent

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

Present: Mr.Maninder S. Saini, Advocate  
for the petitioner.

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

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**LISA GILL, J.**

Petitioner seeks the concession of bail pending trial in FIR No.95 dated 17.05.2017, under Sections 363, 366-A, 376 IPC and Section 4, 8 of Protection of Children from Sexual Offences Act, 2012, registered at Police Station Model Town, Ludhiana.

The above-said FIR was registered on the statement of the uncle of the alleged victim, wherein it is stated that his niece (the victim) left the house on 13.05.2017 without informing them. A suspicion was raised that she had been allured by the petitioner. FIR in question was lodged on 17.05.2017.

It is submitted that no offence punishable under Sections 363, 366-A, 376 IPC and Section 4, 8 of Protection of Children from Sexual Offences Act, 2012, is made out against the petitioner. The victim was recovered on 18.06.2017 in the company of the petitioner. In her statement under Section 164 Cr.P.C.,

(Annexure P-3), the victim completely exonerated the petitioner while stating that she had accompanied the petitioner out of her own free will and solemnized marriage with him. It is further submitted that the victim is major. As per ossification report (Annexure P-4), her age was opined to be between 17 to 19 years. Moreover, the victim, has not supported the prosecution case while deposing before the learned trial Court. She has been declared hostile. It is thus prayed that this petition be allowed.

Learned counsel for the State while opposing the petition, submits that the question of consent or otherwise is irrelevant as the victim in this case is minor. However, on instructions from ASI Hazoor Lal, it is verified that the victim has not supported the prosecution case and has been declared hostile. The petitioner has been in custody since June 2017. Ten prosecution witnesses are yet to be examined and the petitioner 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 Lala Ram @ Ajay, 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.

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.