

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

Criminal Misc. No.M-18082-2018 (O&M)

Date of Decision: May 28, 2018.

SATNAM SINGH

..... PETITIONER

Versus

STATE OF PUNJAB

..... RESPONDENT

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. P.S. Paul, Advocate
for the petitioner.

Mr. D.S. Sukarchakia, DAG, 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.56 dated 11.06.2017 under Sections 363, 376 of IPC, registered at Police Station Nurpurbedi District Roopnagar.

It is submitted that the petitioner has been falsely implicated in this case registered at the instance of the husband of the alleged victim/prosecutrix. As per the allegations in the FIR the complainant got married to prosecutrix on 25.06.2005 and had two children. The complainant had gone to enquire about the health of his brother-in-law who was admitted at PGI, Chandigarh on 09.12.2015 and when he returned on 11.12.2015, he found his wife and children missing. The

prosecutrix is alleged to have been recovered on 02.01.2017. The prosecutrix in her statement under Section 161 Cr. P.C alleged that she was allured by the petitioner and kept at the premises of one Baba, the address of whom has not been disclosed by her.

Learned counsel for the petitioner vehemently argues that at this stage there is not an iota of evidence to indicate culpability of the petitioner in this matter. The prosecutrix had refused to get her statement recorded under Section 164 Cr.P.C. She also refused medical examination. It is contended that statement of the prosecutrix recorded on 19.07.2017 (Annexure P-2) is far removed from reality. A bare perusal of the same reveals that no offence is made out against the petitioner. Learned counsel further argues that there is no probable explanation as to why the prosecutrix maintained silence about the alleged incident for such a long time. Moreover, the prosecutrix has since testified before the learned trial Court. It is further submitted that her testimony negates the entire case against the petitioner. The prosecutrix clearly admitted that she was living with her parents at Pehowa from December 2016. Her husband had even come to visit her at Pehowa but she refused to accompany him until and unless he brought panchayat. The discord between the prosecutrix and her husband is apparent. Moreover prosecutrix admits in her cross-examination that she never met the petitioner in December 2016. The petitioner, it is submitted, is not involved in any other criminal case. The petitioner undertakes not to misuse the concession of bail, if afforded to him. It is thus prayed that this petition be allowed.

I have gone through the testimony of the prosecutrix. Needless to

say, appreciation of evidence is in the domain of the learned trial court. No opinion is being expressed thereon.

Photostat copy of the statement of the victim furnished in Court today is taken on record subject to just exceptions.

Learned counsel for the State while not refuting the statement of the prosecutrix recorded before the learned trial Court submits that specific allegations have been raised against the petitioner. The present FIR was ultimately registered on the direction of the Punjab State Human Rights Commission Punjab on a complaint dated 20.11.2016 submitted by the complainant.

Learned counsel for the State, on instructions from HC Surinder Singh, verifies that the petitioner is not reported to be involved in any other criminal case. Six (6) prosecution witnesses are yet to be examined. 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 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.

May 28, 2018
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(LISA GILL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No