

Criminal Misc. No. M- 18327 of 2018 (O&M)

Date of decision :May 10, 2018

Sarabjit Singh @ Sabhi

.....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. B.S. Bhalla, Advocate for the petitioner.

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

LISA GILL, J.**CRM-17312-2018**

Prayer in the application is for placing on record statement of PW1 and PW3 attached as Annexures P2 and P3. The same are taken on record subject to just exceptions.

Application is disposed of.

CRM-M- 18327 of 2018

The petitioner prays for bail pending trial in FIR No. 144 dated 05.10.2017 under Sections 376, 363, 506, 451, 34 IPC and Section 4 of Protection of Children from Sexual Offences Act, 2012 registered at Police Station Kot Ise Khan, District Moga.

It is submitted that the petitioner has been falsely implicated in this case. This averment is cemented by the fact that the prosecutrix/complainant has not supported the prosecution case while deposing before the learned trial Court on 03.05.2018. The victim's brother (PW3) has also not supported the prosecution case. Copies of their statements before the learned trial Court are attached as Annexures P-2 and P-3. The prosecutrix specifically stated that the petitioner is not assailant, who tried to kidnap her and neither has he committed any offence qua her. The prosecutrix has been

declared hostile. Similarly, PW3 - brother of the victim has not supported the prosecution case. It is, thus, prayed that this petition be allowed.

I have heard learned counsel for the parties.

Learned counsel for the State, on instructions from ASI Prem Singh, is unable to deny the factual position as above. However, it is submitted that specific allegations had been raised against the petitioner at an initial stage. On instructions from ASI Prem Singh, it is verified that the petitioner is not involved in any other criminal case. Needless to say appreciation of evidence and the variance in the stand by the victim, are in the domain of learned trial Court and no expression thereon is expressed.

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. Trial, in this case, is not likely to conclude in the near future. 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.

May 10, 2018
rts

(Lisa Gill)
Judge

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