

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

**Criminal Misc. No.M-19916-2018
Date of Decision: May 17, 2018.**

Jagsir Singh @ Jaggi

..... PETITIONER

Versus

State of Punjab

..... RESPONDENT

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. L.S. Sekhon, 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.63 dated 28.07.2017 under Sections 363/366A/376D/506/120B of IPC and Sections 3/4/5G/5L/6 of the Protection of Children from Sexual Offences Act, 2012, registered at Police Station Cheema District Sangrur.

It is submitted that the petitioner has been falsely implicated in this case. The prosecutrix has not identified the petitioner as accused while deposing before the learned trial Court. The petitioner, it is submitted, is not involved in any other criminal case. Similarly situated co-accused, namely, Avtar Singh @

Tari and Gurpreet Singh, have been afforded the concession of bail pending trial by this Court on 25.04.2018 and 30.04.2018 in CRM-M-16107 of 2018 and CRM-M-16377 of 2018, respectively. The petitioner undertakes not to misuse the concession of bail, if afforded to him. It is, thus, prayed that this petition be allowed.

Photocopy of the statement of the victim (PW-2) recorded on 21.12.2017, furnished in Court today, is taken on record subject to just exceptions.

I have heard learned counsel for the parties.

Learned counsel for the State is unable to deny that the victim in her statement before the learned trial Court has not identified the petitioner as the accused. On instructions, from ASI Maghar Singh, verifies that the petitioner is not reported to be involved in any other criminal case. 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 17, 2018
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(LISA GILL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No