

**Criminal Misc. No. M- 20717 of 2018 (O&M)**

Date of decision : May 24, 2018

Manjit Singh

.....Petitioner

Versus

State of Punjab

....Respondent

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL**Present: Mr. Gopal Singh Nahel, Advocate  
for the petitioner.

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

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**LISA GILL, J.**

The petitioner prays for bail pending trial in FIR No. 63 dated 28.07.2017 under Section 376 (2)(i), 376 (2)(n), 120B, 363, 366, 376, 376D IPC and Sections 4/6 of Protection of Children from Sexual Offences Act, 2012 registered at Police Station Cheema, District Sangrur.

Learned counsel for the petitioner submits that none of the above said offences are made out against the petitioner. Apart from the fact that no overt act was attributed to him, the victim (PW2) in her statement before the learned trial Court recorded on 21.12.2017 (Annexure P-2) has not identified the present petitioner as the person committing any offence qua her. PW2, the prosecutrix specifically stated that she had seen the petitioner for the first time in Court on the said day and he never committed any wrongful act with her. Similarly situated co-accused Avtar Singh @ Tari and Gurpreet Singh, it is submitted, have been afforded the concession of bail by this Court on 25.04.2018 and 30.04.2018, respectively. It is, thus, prayed that this petition be allowed.

I have heard learned counsel for the parties.

Learned counsel for the State is unable to deny that the victim in her testimony before the learned trial Court has not identified the person as the accused. On instructions, from ASI Har Chetan Singh, it is verified that the petitioner is not involved in any other criminal case. Trial in this case is not likely to conclude in the near future.

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.

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 24, 2018  
rts

**(Lisa Gill)**  
**Judge**

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