

Criminal Misc. No. M- 20757 of 2018 (O&M)

Date of decision : May 24, 2018

Jagroop Singh @ Jupa

.....Petitioner

Versus

State of Punjab

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILLPresent: Mr. Tarun Vir Singh Lehal, Advocate
for the petitioner.

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

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No. 42 dated 31.07.2016 under Sections 376, 363, 366A, 120B, 467, 468 IPC and Sections 3 and 4 of Protection of Children from Sexual Offences Act, 2012 registered at Police Station Rangar Nangal, District Gurdaspur.

It is submitted that the petitioner has been falsely implicated in this case. As per the allegations in the FIR, the prosecutrix was found missing from her bed by the complainant (her mother) at about 3.00 a.m. on 30.07.2016. When she came out in the street in search of her daughter, the complainant saw her daughter alongwith the petitioner and Paramjit Kaur. Upon seeing the complainant, the petitioner is alleged to have made the prosecutrix sit on his motor cycle and both of them fled from the spot. It is alleged that the petitioner allured the victim on a promise of marriage.

Learned counsel for the petitioner submits that marriage between the petitioner and the prosecutrix was solemnised on 28.08.2016. This fact is admitted by the prosecutrix in her statement before the learned trial Court. They approached this Court seeking protection of their life and liberty. CRM-M-31984 of 2016 (Annexure P-2) was disposed of on 09.09.2016. The petitioner and the prosecutrix lived together till the

prosecutrix was recovered on 28.09.2016. It is argued that there is a serious doubt regarding the age of the prosecutrix. Moreover, the prosecutrix has admitted the factum of her marriage with the petitioner on 28.08.2016 though it is stated that she was pressurised for the same. The prosecutrix, it is contended, has admitted that she never raised any hue and cry all the while she was with the petitioner i.e. for a period of nearly two months. The petitioner aged twenty one (21) years undertakes to face the proceedings and not abuse the concession of bail, if afforded to him. It is, thus, prayed that this petition be allowed.

I have heard learned counsel for the parties.

Learned counsel for the State submits that specific allegations have been levelled against the petitioner and the prosecutrix, in this case, is minor being about sixteen and half (16½) years old, therefore, question of consent or otherwise is irrelevant. Statement of the prosecutrix is attached as Annexure P3 with this petition. Learned counsel for the State, on instructions from ASI Surjit Singh, informs that apart from the prosecutrix, no other prosecution witness has been examined. It is informed that the petitioner, who was involved in another matter under Section 307 IPC stands acquitted therein on 18.07.2017. It is verified that the petitioner is not involved in any other criminal case. He is in custody since 28.09.2016. 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

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