

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

Criminal Misc. No.M- 21775 of 2018(O&M)

Date of Decision: June 07 , 2018.

Sandeep Singh

..... PETITIONER (s)

Versus

State of Punjab and another

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Sukhjit Singh, Advocate
for the petitioner.

Ms. Deepali Puri, Addl.AG, 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.

CRM No.21202 of 2018

Annexure P4 i.e., the statement of PW2 recorded before the learned trial court is taken on record subject to just exceptions.

Application is disposed of.

CRM No.M-21775 of 2018

The petitioner prays for bail pending trial in FIR No.109 dated 02.07.2017 under Sections 363/366A/376/506 IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012, registered at police

Station Sadar Raikot, District Ludhiana Rural.

It is submitted that the petitioner has been falsely implicated in this case. The petitioner and the complainant/respondent No.2 had friendly relations with each other and sought to get married, which was not to the liking of the parents of respondent No.2. It is further submitted that though the prosecutrix in her examination-in-chief levelled certain allegations against the petitioner, but she refused to identify petitioner as the accused in her cross-examination. Reference is made to the statement of the prosecutrix recorded on 09.03.2018 as well as on 25.05.2018 (Annexure P4). The prosecutrix/complainant in her cross-examination did not identify the petitioner as the accused and stated that he never committed rape upon her. She further stated that her earlier statement (Ex.PB) was recorded under pressure of the police officials and the same is not voluntarily. The prosecutrix was declared hostile. 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.

Learned counsel for the State while opposing this petition submits that though the prosecutrix has resiled from her stand in her cross-examination, she duly supported the prosecution case in the examination-in-chief.

Be that as it may, appreciation of evidence is in the domain of the learned trial court. The effect or otherwise of the victim taking different stands shall be considered by the learned trial court at the appropriate stage. On instructions from ASI Jaswinder Singh, learned counsel for the State verifies that

the petitioner is not 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 peculiar 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/Duty Magistrate.

It is made clear that the petitioner shall not directly or indirectly try to contact the complainant-prosecutrix/any of her family members or witnesses in this case. Any such infraction on the part of the petitioner may entail cancellation of his bail.

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.

June 07 , 2018.
'om'

(LISA GILL)
JUDGE

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