

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

Criminal Misc. No.M- 3044 of 2018(O&M)

Date of Decision: January 30 , 2018.

Gagandeep Singh PETITIONER (s)

Versus

State of Punjab RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Karan Garg, Advocate
for the petitioner.

Ms. Seena Mand, 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.85 dated 17.08.2017, under Sections 366A/363 IPC and Section 3 of the Protection of Children from Sexual Offences Act, 2012, registered at Police Station Rampura, District Bathinda.

It is submitted that the petitioner has been falsely implicated in this case at the instance of the complainant, who is mother of the alleged victim. It is stated that the victim in her statement under Section 161 Cr.P.C (Annexure P2)

clearly stated that she had accompanied the petitioner out of her own accord on 31.07.2017 as both of them wanted to marry with each other, but their family members were not in favour of the same. It is specifically stated by the victim that she stayed with the petitioner at Gurudwara Sahib at Amritsar and the petitioner did not try to develop any physical intimacy with her. Learned counsel for the petitioner refers to order dated 03.10.2017 passed by the learned Sub Divisional Judicial Magistrate, Phul, Annexure P3, to state that the victim had expressed her desire to live with the parents of the present petitioner. Her parents had not turned up and were summoned for 06.10.2017. The final report under Section 173 Cr.P.C., it is submitted, has been filed. It is thus prayed that this petition be allowed.

Learned counsel for the State verifies the statement of the victim (Annexure P2). It is informed that her statement under Section 164 Cr.P.C. was not recorded. It is further informed that the victim at this point of time is in the custody of her parents. It is not disputed that the final report under Section 173 Cr.P.C. has since been presented. The petitioner aged 21 years is not reported to be 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 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 filed by Gagandeep Singh 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.

January 30 , 2018.
'om'

(LISA GILL)
JUDGE

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