

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-29790 of 2017(O&M)

Date of Decision: January 15, 2018.

Jaswant Singh @ Jassa

..... PETITIONER (s)

Versus

State of Punjab

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Ms.Parminder Kaur, Advocate for the petitioner.

Ms.Seema 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.(Oral)

The petitioner prays for bail pending trial in FIR No.10 dated 23.1.2017 under Section 376 IPC registered at Police Station Arni Wala, District Fazilka.

It is submitted that the husband of the prosecutrix is the present Sarpanch of village Sajrana, Tehsil Fazilka. One Prabhati Ram had contested elections against the husband of the prosecutrix. The present petitioner and his family members had supported the said Parbhati Ram, who had earlier defeated the husband of the prosecutrix in the Panchayat

elections. However, after being elected as Sarpanch now, the husband of the prosecutrix initiated the present proceedings without there being any truth therein. It is argued that allegations against the petitioner in the FIR are highly improbable as the house of the prosecutrix is situated within the Abadi of the village and it is not possible that the offence could have been committed by the petitioner in the manner suggested. Moreover, prosecutrix and her husband have testified before the learned trial Court. It is admitted by the prosecutrix that her statement under Section 164 Cr.P.C. was recorded on the dictates of her husband. It is further admitted that the present petitioner and his family members were favouring the opposite candidate in Panchayat elections. It is not in dispute that there are a number of houses near the house of the prosecutrix. Counsel for the petitioner vehemently argues that there are material discrepancies in the statements of the prosecutrix and her husband, recorded before the learned trial Court. It is submitted that the petitioner is not involved in any other criminal case and he undertakes not to misuse the concession of bail, if afforded to him. It is thus prayed that this petition be allowed.

Certified copies of the statements of PW1 prosecutrix and PW2 husband of the prosecutrix are taken on record subject to just exceptions.

Learned counsel for the State has opposed this petition while submitting that there are specific allegations against the petitioner. However, it is not denied that the prosecutrix as well as her husband have since deposed before the trial Court. Learned State counsel verifies that the petitioner is not involved in any other criminal case and is in custody since

I have perused the statement of the prosecutrix and the complainant produced in the Court today. Needless to say, evidence on record shall be considered by the trial Court at the time of final decision of the case. The petitioner has been in custody since January 2017. Trial in this case is not likely to conclude in the near future. No useful purpose shall be served by keeping the petitioner incarcerated any longer.

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.

January 15, 2018.
Meenu

(**LISA GILL**)
JUDGE

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