

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

**Criminal Misc. No.M-36154 of 2017(O&M)
Date of Decision: April 17, 2018.**

Mangal Singh

Petitioner.

Versus

State of Punjab

Respondent

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr.IPS Parmar, Advocate
for the petitioner.

Ms. Seena Mand, DAG., Punjab.

LISA GILL, J.

Petitioner seeks the concession of bail pending trial in FIR No.14 dated 30.01.2016, under Section 370 IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012, (Sections 376, 372, 120-B IPC added later on) registered at Police Station Hathur, District Ludhiana.

It is contended that the petitioner, a seventy (70) year old man has been falsely implicated in this case. There are no allegations attracting the rigours of Section 376 IPC or Section 4 of the Protection of Children from Sexual Offences Act, 2012, qua the present petitioner. He is being proceeded against for the offences punishable under Section 372 IPC.

Learned counsel for the petitioner vehemently argues that no action is being taken against the accused-Sita Ram and Surjit Singh. The alleged victim in this case herself stated that she left her parental home in November 2015 out of her own accord when she was beaten by her mother. It is contended that no report

regarding the victim missing from her home was ever lodged by her parents which in itself seems improbable and unnatural. Allegation against the petitioner is that he facilitated the marriage of the victim with one Sita Ram and Surjit Singh. It is argued that there is no such evidence on record. Moreover, the victim in this case has testified before the learned trial Court on 05.04.2018. It is urged that her testimony is itself riddled with discrepancies casting a serious doubt on the prosecution case. The petitioner, it is submitted has been in custody since September 2016. It is thus prayed that this petition be allowed.

Photocopy of the statement of the victim (PW-3) furnished in Court today is taken on record subject to just exceptions.

Learned counsel for the State, on instructions from ASI Bahadur Singh, is unable to point out any complaint or report regarding the victim missing from her parental home since November 2015 till the registration of the FIR in question on 30.01.2016. Needless to say, appreciation of evidence is in the domain of the learned trial Court. No opinion is being expressed thereon. The petitioner is reported to be involved in another FIR No. 2 dated 01.01.2016 under Sections 389, 342, 120-B IPC, however, it is not denied that the petitioner is a 70 year old man and has been in custody since September 2016. Three out of fifteen prosecution witnesses have been examined.

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. 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 facts and circumstances of this case.

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 Mangal 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.

17.04.2018
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.