

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

Criminal Misc. No.M- 37211 of 2017(O&M)

Date of Decision: April 19 , 2018.

Satnam Singh @ Sattu

..... PETITIONER (s)

Versus

State of Punjab

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Inderjit Sharma, Advocate and
Mr. Sunil Mallan, 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.61 dated 13.04.2017 under Section 376D IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012, registered at Police Station Gharinda, District Amritsar Rural.

It is contended that the petitioner has been falsely implicated in this case being the brother of co-accused – Sawinder Singh with whom the alleged victim had friendly relations. It is further contended that even as per the FIR, the

victim has not attributed allegations of rape against the present petitioner. She has levelled the said allegations against co-accused Sawinder Singh and one Prince Singh. The petitioner, it is submitted, is an 18 year old young boy. The prosecutrix in this case has deposed before the learned trial court. Even in her deposition she has not levelled any allegation against the petitioner except stating that he stood guard when rape was committed by the other two co-accused. Allegations of the victim being taken away forcibly are also levelled against the other co-accused. The co-accused Sawinder Singh is in custody. Learned counsel for the petitioner submits that the petitioner has been in custody since 15.04.2017. It is thus prayed that this petition be allowed.

Photocopy of the statement of the prosecutrix (PW3) before the learned trial court, is taken on record subject to just exceptions.

Learned counsel for the State is unable to deny that the allegations against the present petitioner are that he stood guard when the rape was committed by the co-accused, though it is submitted that the same is sufficient to show his complicity in the offence. No other overt act is attributed to the petitioner who is admittedly the younger brother of Sawinder Singh. It is further verified, on instructions from SI Shamsher Singh, that the petitioner is 18 years old and is not reported to be 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 present 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.

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.

April 19 , 2018.
'om'

(LISA GILL)
JUDGE

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