

CRM-M-39893-2018 (O&M)

Date of decision:27.11.2018

Armaan @ Harry

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Vivek Salathia, Advocate
for the petitioner.

Mr. K.S.Aulakh, DAG, Punjab.

RAJBIR SEHRAWAT, J. (ORAL)

Present petition has been filed for seeking bail pending trial in FIR No.0203 dated 30.06.2017 for the offences punishable under Section 377 of IPC (Section 6 of POCSO Act added later on), registered at Police Station Division A, Police Commissionerate Amritsar.

Learned counsel for the petitioner contends that the complaint against the petitioner is concocted with oblique motive. In fact, the petitioner was allured by the complainant to have relations with her because the complainant, despite being a married woman, was residing separately from her husband in the same locality. When the petitioner having been fed-up with the activities of the complainant refused to have any relations with her; then the false complaint has been concocted against the petitioner. It is further contended that the medical report of the child in question have not supported the allegation of any misuse by the petitioner. It is only the oral version of the complainant because of which, the petitioner is in custody. Still further, counsel for the petitioner contends that the petitioner is in custody since 16.05.2018. The investigation is complete. Even the

charge has been framed by the trial Court. Therefore, no purpose would be

served by keeping the petitioner in custody any more.

On the other hand, learned State counsel, being instructed by ASI Talwar Singh, submits that the complainant and the victim are yet to be examined. It is further contended that it would not be appropriate to release the petitioner on bail because both the complainant as well as the petitioner are residing in the same locality. Still further, counsel contends that the complainant has made a categorical statement of the allegation against the petitioner. The petitioner does not deserve to be released on bail.

However, keeping in view the submissions made by the learned counsel for the petitioner, but without commenting on the merits of the case, the present petition is allowed. Petitioner is granted the concession of bail pending trial. He be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate.

(RAJBIR SEHRAWAT)
JUDGE

27.11.2018
Hemlata

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