

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

**Criminal Misc. No.M-43925 of 2017(O&M)
Date of Decision: February 19, 2018.**

Vijay Kumar @ Vijay

Petitioner.

Versus

State of Punjab

Respondent

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. G.S.Sandhu, Advocate
for the petitioner.

Ms. Seena Mand, DAG., Punjab.

LISA GILL, J.

Petitioner seeks the concession of bail pending trial in FIR No.26 dated 13.02.2017, under Sections 376-D, 342, 506, 120-B IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012, registered at Police Station Jandiala, District Amritsar.

It is submitted that the petitioner has been falsely implicated in this case. The prosecutrix in her statement under Section 164 Cr.P.C., has not raised any allegation against the present petitioner. Moreover, the prosecutrix/complainant (PW-1) has since testified before the learned trial Court. She has not supported the prosecution version. The mother of the prosecutrix (PW-3) has also been examined and she too has not supported the prosecution version. Both the

said witnesses have been declared hostile. It is thus prayed that this petition be allowed.

Certified copies of the statement of the prosecutrix-PW-1 and her mother-PW-3, filed in Court today are taken on record subject to just exceptions.

Learned counsel for the State is unable to deny that the prosecutrix and her mother have not supported the prosecution case. The petitioner has been in custody since February 2017 and is not involved in any other criminal 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. 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 Vijay Kumar @ Vijay, 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

19.02.2018
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.