

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

Criminal Misc. No. M- 4789 of 2018 (O&M)

Date of decision : March 19, 2018

Rohit alias Ram Pukar

.....Petitioner

Versus

State of Punjab

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Joginder Pal Ratra, Advocate
for the petitioner.

Mr. Sukhleen Singh, AAG, Punjab

Mr. Amit Kumar Saini, Advocate
for the complainant.

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No. 183 dated 09.08.2017 under Sections 363, 366A IPC registered at Police Station Sohana, SAS Nagar, Mohali.

It is submitted that the petitioner has been falsely implicated in this case. No offence under Sections 363, 366A IPC is made out against the petitioner. It is submitted that the complainant, in this case, has not supported the prosecution version. In his testimony before the learned trial Court recorded on 15.03.2018, the complainant has specifically stated that he does not know the accused and seen him for the first time. The complainant was declared hostile. It is, thus, prayed that this petition be allowed.

Certified copy of statement of the complainant produced in Court today is taken on record subject to just exceptions.

I have heard learned counsel for the parties.

Learned counsel for the complainant and the State are unable to deny the factual position as above wherein the complainant has not supported the prosecution version. Learned counsel for the State, on instructions from ASI Lakhvir Singh, verifies that the petitioner is not involved in any other criminal case. Trial in this case is not likely to conclude in the near future.

There are no allegations on behalf of the State that petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts in the Court, if released on bail.

No useful purpose shall be served by keeping the petitioner incarcerated any longer. Keeping in view the facts and circumstances noted above but without expressing any opinion on the merits of case, it is considered just and expedient to allow this petition.

Consequently, 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 reiterated that none of the observations made herein above are a reflection on the merits of the case and shall have no bearing on the trial.

March 19, 2018
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No