

Criminal Misc. No. M- 48101 of 2017 (O&M)

Date of decision : March 19, 2018

Sucha Singh Langah

.....Petitioner

Versus

State of Punjab

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. J.S. Bedi, Senior Advocate with
Mrs. G.K. Mann, Advocate and
Mr. Manpreet Singh, Advocate
for the petitioner.

Mr. Jagmohan Singh Ghumman, DAG, Punjab.

None for the complainant.

LISA GILL, J.**CRM-8696-2018**

Prayer in the application is for placing on record statement of PW1 as Annexure P-21. The same is taken on record subject to just exceptions. Filing of certified/true typed copy of Annexure P-21 is exempted.

Application is disposed of.

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The petitioner prays for bail pending trial in FIR No. 168 dated 29.09.2017 under Section 376, 384, 420, 506 IPC (Section 295A IPC added later) registered at Police Station City Gurdaspur.

Learned senior counsel for the petitioner submits that the petitioner has been falsely implicated in this case for ulterior motives. This fact is cemented as the prosecutrix in her statement before the learned trial Court has not supported the prosecution case. It is, thus, prayed that this petition be allowed.

Copy of the statement of the prosecutrix recorded before the learned trial Court on 28.02.2018 is attached as Annexure P-21.

I have heard learned counsel for the parties.

Affidavit dated 09.02.2018 of Sh. Gurcharan Singh Dhaliwal, Deputy Superintendent, Central Prison, Patiala indicating the period of imprisonment undergone by the petitioner, filed in Court today is taken on record, subject to just exceptions. As per affidavit dated 09.02.2018, the petitioner is not reported to be involved in any other case except FIR No. 10 dated 16.05.2002 under the Prevention of Corruption Act Sections 420, 467, 468, 471, 120B IPC and FIR No. 57 dated 21.08.2017 under Sections 448, 511, 454, 427, 188, 506, 148, 149 IPC.

Learned senior counsel for the petitioner submits that the Hon'ble Supreme Court has stayed the conviction of the petitioner in the matter under the Prevention of Corruption Act. In respect to FIR No. 57 dated 21.08.2017, it is submitted that the same is a fall out of political activities of the petitioner.

Learned counsel for the State while opposing this petition is unable to deny that the prosecutrix, in this case, has not supported the prosecution version. She has been declared hostile.

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 in the peculiar circumstances of the case. 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 clarified that the petitioner shall not try to contact the complainant or any of the witnesses, in this case, in any manner - directly or indirectly and he will not go abroad without permission of the learned trial Court. Any such infraction on the part of the petitioner shall entail cancellation of his bail.

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