

(2023) 04 UK CK 0089

In the Uttarakhand High Court

Case No : First Bail Application No. 991 Of 2023

Lakhwinder Singh@Lucky S/o Shri Amrik Singh

APPELLANT

Vs

State Of Uttarakhand

RESPONDENT

Date of Decision : 28-04-2023

Acts Referred:

Indian Penal Code, 1860 — Section 363, 366A, 376
Protection Of Children From Sexual Offence, 2012 — Section 5, 6
Code Of Criminal Procedure, 1973 — Section 164

Citation : (2023) 04 UK CK 0089

Hon'ble Judges : Vivek Bharti Sharma, J

Bench : Single Bench

Advocate : Mani Kumar, G.S. Sandhu, Kuldeep Singh Rawal

Final Decision : Allowed

Judgement

Vivek Bharti Sharma, J

1. Applicant Lakhwinder Singh @ Lucky, who is in judicial custody in F.I.R. No. 11 of 2023, under Sections 363, 366-A & 376 of I.P.C., and Section 5 & 6 of the Protection of Children from Sexual Offence, 2012, Police Station Jhankaiya, District Udham Singh Nagar, has sought his release on bail.

2. Heard learned counsel for the parties and perused the record.

3. Learned counsel for the applicant would submit that the F.I.R. has been lodged with a delay of two days; applicant is languishing in jail since 10.02.2023; he is innocent and has falsely been implicated in the instant crime. He would further submit that in the statement of the prosecutrix, recorded under Section 164 of Cr.P.C., she had categorically stated that she had solemnized marriage with the applicant but there is no physical relation between the applicant and the prosecutrix. Certified copy of the said statements has been submitted in the Court by the learned counsel for the applicant. Same is taken on record.

4. These facts are not disputed by the learned State Counsel.

5. Having considered, the submission of learned counsel for the parties and after going through the material on record, this Court is of the view that it is a case fit for bail and the applicant deserves to be enlarged on bail.

6. Accordingly, the bail application is allowed.

7. Let the applicant- Lakhwinder Singh@Lucky be released on bail, on his executing a personal bond and furnishing two reliable sureties, each of the like amount, to the satisfaction of the court concerned.