

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

Cr.M.No.M-15529 of 2015 (O&M)
DATE OF DECISION : 18.5.2015

Ankush Malhotra

PETITIONER

VERSUS

State of Punjab

RESPONDENT

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

1. Whether reporters of Local Newspapers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest ?

Present:- Shri A.R.Sidhu, Senior Advocate with Shri Pratham Sethi,
Advocate for the petitioner.

Shri Premjit S.Hundal, A.A.G. Punjab.

Shri R.S.Rai, Senior Advocate with Shri Harkanwarjeet Singh,
Advocate.

MAHESH GROVER, J.

This is a petition filed under section 439 Cr.P.C. with a prayer for release of the petitioner on bail in a case registered vide F.I.R. No.268 dated 30.9.2014 under Sections 366A,376,120-B I.P.C. and Sections 4,6,8,10,12 of the Protection of Children from Sexual Offences Act, 2012 at Police Station Phillaur.

According to the F.I.R., the complainant alleges harassment, stalking and rape by the petitioner spread out over a period of six months. In her statement under Section 164 Cr.P.C., while sticking to the allegations of rape, additional version has been recorded.

Learned counsel for the petitioner contends that the petitioner has been in custody since December, 2014 and the challan has already been submitted. He thus contends that since the trial is likely to take some time, it would be just and proper to release the petitioner on bail particularly when different versions of the prosecutrix have come on record.

Learned counsel for the complainant strenuously opposes the prayer for bail and alleges blackmail and rape spread out over a prolonged period. He has also stated that the complainant was threatened with dire consequences in an incident on 12.5.2015.

Same is the contention made by the learned counsel for the State who states that the offence is extremely serious and the complainant is a minor who has been raped.

On due consideration of the matter and noticing that the petitioner is in custody since December, 2014 and the fact that the challan has already been submitted and without commenting on the merits of the case, I deem it appropriate to release the petitioner on bail. It has also to be noticed that the petitioner himself is 20 years of age. Bail to the satisfaction of the trial Court.

Petition stands allowed.

May 18, 2015
GD

(MAHESH GROVER)
JUDGE