

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

CRM No.M-36906 of 2015
Date of decision: 04.11.2015

Lachhman Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Pardeep Bajaj, Advocate for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 439 of the Code of Criminal Procedure, the petitioner has sought regular bail in case FIR No.16, dated 16.01.2015, registered under Section 376 IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012 (for short 'POSCO Act') at Police Station Sahnewal, District Ludhiana.

The learned counsel for the petitioner refers to the statement of the prosecutrix recorded under Section 164 Cr.P.C., wherein she had admitted the factum of love affair with the petitioner. The learned counsel further refers to Annexure P-4, an affidavit given by the prosecutrix to the effect that the petitioner has not committed the offence of rape on her. The petitioner is in custody since 17.01.2015.

On the other hand, the learned State counsel opposes the prayer of bail and states that there are serious allegations against the

petitioner in the FIR. The challan stands presented; the charges have been framed; out of total 18 witnesses, 03 witnesses have been examined so far.

I have heard learned counsel for the parties and perused the record.

Keeping in view the statement of the prosecutrix recorded under Section 164 Cr.P.C., (Annexure P-3), the affidavit (Annexure P-4) given by her and the fact that the out of total 18 witnesses, only 03 witnesses have been examined so far, therefore, it can be safely inferred that the trial is not likely to be concluded in the near future, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on his furnishing bail bonds and surety bonds, to the satisfaction of the trial Court.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

04.11.2015

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(JITENDRA CHAUHAN)
JUDGE