

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M No.941 of 2015

Date of Decision:02.02.2015

Vijay Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MEHINDER SINGH SULLAR.

Present: Mr.Karanjit Singh, Advocate,
for the petitioner.

Mr.Jaspreet Singh Sekhon, Assistant Advocate General,
Punjab, for the respondent-State.

MEHINDER SINGH SULLAR, J.(oral)

The petitioner has preferred the instant petition for the grant of concession of regular bail, in a case registered against him along with his other co-accused, vide FIR No.34 dated 27.02.2013, on accusation of having committed the offences punishable under Sections 363, 366-A, 376, 511 IPC and Sections 3, 4, 5 and 7 of The Immoral Traffic Prevention Act, by the police of Police Station Bhikhiwind, District Tarn Taran.

2. Notice of the petition was issued to the State.

3. After hearing the learned counsel for the parties, going through the record with their valuable assistance and considering the entire matter deeply, to my mind, the present petition for regular bail deserves to be accepted in this context.

4. Precisely, the prosecution, *inter alia*, claimed that on

27.02.2013, the petitioner and his other co-accused had kidnapped the prosecutrix(names intentionally withheld), took them to the house of Amarjit Kaur and committed sexual intercourse with them. What cannot possibly be disputed here is that, both the prosecutrix, while appearing in the court as PW1 and PW2, did not support the prosecution case in their respective statements(Annexures P-2 & P-3). Instead of supporting, they have demolished the prosecution version in its entirety. In that eventuality, what is the evidentiary value, admissibility and acceptability of the statements of such hostile witnesses, relatable to the case of the petitioner, *inter alia*, would be a moot point to be decided after receipt of evidence of the parties during the course of trial by the trial Court.

5. Be that as it may, the petitioner was arrested in this case on 27.02.2013. Since then he is in judicial custody and no useful purpose would be served to further detain him in jail. There is no history of his previous involvement in any other criminal case. The conclusion of trial will naturally take a long time.

6. In the light of aforesaid reasons, taking into consideration the peculiar facts & the special circumstances, emanating from the record, as discussed here-in-above and without commenting further anything on merits, lest it may prejudice the case of either side during the course of trial of the main case, the instant petition for regular bail is hereby accepted. The petitioner is ordered to be released on bail on his furnishing adequate bail bonds and surety bonds to the satisfaction of the trial Court.

Needless to mention that, nothing observed here-in-above,

would reflect, on merits in the trial of the main case, in any manner, as the same has been so recorded for a limited purpose of deciding the present petition for regular bail.

February 02, 2015
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(**MEHINDER SINGH SULLAR**)
JUDGE