

In the High Court of Punjab and Haryana at Chandigarh

Crl. Misc. No. M-14915 of 2016 (O&M)

Date of Decision: 03.06.2016

Raj Kumar alias Rajesh

.....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Divyadeep Walia, Advocate
for the petitioner.

Mr. V.P.S.Sidhu, AAG, Punjab.

ANITA CHAUDHRY, J(ORAL)

CRM-18771-2016

Heard.

Application is allowed and Annexure P-5 (Colly) is taken on record.

CRM-M-14915-2016

The petitioner is seeking regular bail in FIR No. 16 dated 26.2.2014 registered at Police Station Sardulgarh, District Mansa under Sections 376, 452, 506, 354, 354-A, 511 IPC and Sections 4, 8, 12, 17 of Protection of Children from Sexual Offences Act, 2012.

Counsel for the petitioner states that the petitioner is in custody for over two years and earlier he had filed petition seeking bail in February 2010 but it was withdrawn as the State counsel had stated that the case was fixed for defence evidence. The counsel refers to the zimni orders to show that the co-accused against whom same allegations were made, is on bail and he has given a list of 08 witnesses and the case is being adjourned.

Counsel for the petitioner states that the case is now fixed for 8.7.2016. He seeks parity with Sandeep Kumar who was allowed bail on 16.10.2015.

The zimni orders placed on record show that the witnesses cited failed to appear and warrants were issued. Three witnesses were examined on 29.2.2016. Thereafter two witnesses were given up on 15.3.2016 and no witness thereafter has been examined and the case is being adjourned and no witness had been produced. The Court has granted six adjournments and the trial is not proceeding.

The petition is allowed on the ground of parity. The petitioner is ordered to be released on bail on his furnishing local surety and adequate bonds to the satisfaction of the trial Court/Duty Magistrate.

(ANITA CHAUDHRY)
JUDGE

June 03, 2016
Gurpreet