

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

CRM-39140-2016 in/and
Crl. Misc.M-39364 of 2016 (O&M)
Date of Decision: 14.12.2016

Sarabjeet Singh @ Sabi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. B.P. Singh, Advocate
for the petitioner.

Mr. Arshdeep S. Kler, DAG Punjab.

JAISHREE THAKUR, J. (Oral)

CRM-39140-2016

Allowed.

Annexure P6 is taken on record subject to all just exceptions.

CRM-M-39364-2016

The instant petition has been filed under Section 439 of Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.99 dated 12.05.2015, under Sections 363, 366-A, 376 (which is added later on) of Indian Penal Code and Sections 3, 4 of the POCSO Act, registered at Police Station Tanda, District Hoshiarpur.

Learned counsel for the petitioner contends that the name of the petitioner herein was neither reflected in the FIR nor in the statement that was recorded under Section 161 of Cr.P.C. given to the police authorities.

However, the name of the petitioner was reflected in the statement, that was

given under Section 164 of Cr.P.C. and on that basis, he was arrested on 14.06.2015 and is in custody since then. It is argued that statement of prosecutrix was recorded on 20th September, 2016 before the learned Additional Sessions Judge, Hoshiarpur, in which, he has not been identified by the prosecutrix and on this basis, prays for grant of regular bail to the petitioner.

Per contra, learned counsel appearing on behalf of respondent-State argues that the offences as alleged against the petitioner are serious in nature, as such, the petitioner is not entitled to the regular bail.

I have heard learned counsel for the parties.

Since, the trial is likely to take some time and in view of the facts that statement of the prosecutrix has been recorded, in which, she has failed to identify the petitioner herein and no useful purpose would be served in keeping the petitioner in custody, therefore, regular bail ought to be granted to the petitioner, who has been in custody since 14.06.2015. Accordingly, without commenting on the merits of the case, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal bond and surety bond, to the satisfaction of concerned trial Court/Duty Magistrate.

December 14, 2016

vijay saini

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No