

In the High Court of Punjab and Haryana at Chandigarh

**Crl. Misc. No. M-40904 of 2016
Date of Decision: 23.11.2016**

Kedar Nath

.....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. S.S.Sidhu, Advocate
for the petitioner.

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

ANITA CHAUDHRY, J(ORAL)

The petitioner is seeking regular bail in FIR No. 29 dated 12.5.2015 registered at Police Station S.G.N. Dev Thermal Plant, District Bathinda under Sections 363, 366 IPC and later on added Section 376 IPC.

Counsel for the petitioner contends that petitioner is in custody since 25.5.2015 and an application under Section 319 Cr.P.C. was moved which had been allowed and additional accused had been summoned. The counsel further contends that the incident is stated to be of 4.5.2015 but the FIR was lodged after eight days and the girl was recovered on 25.5.2015 and initially she refused her medical and had also made a statement to the medical officer that the petitioner had not harassed her sexually but later on she changed her statement as she was under the influence of her parents but there are contradictions. Counsel further submits that the DNA test has not been carried out and the complete statement of the prosecutrix has been recorded.

Petitioner is in custody for over one year and five months. The statement of the victim has been completed on 27.10.2016. This information was checked up by the counsel for the petitioner and he affirms that the other defence counsels have also completed their cross-examination. The trial would take time as some additional accused had been summoned.

Without commenting anything on the merits of the case and considering the fact that the trial will take time to conclude, the petition is allowed and 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 with the condition that the petitioner would not contact the victim or her family members in any manner.

(ANITA CHAUDHRY)
JUDGE

November 23, 2016
Gurpreet

Whether speaking/reasoned	:	Yes
Whether reportable	:	No