

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

**CRM-M No. 41135 of 2016
Date of decision: 23.11.2016**

Rattan Singh @ Bunti

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Hitesh Verma, Advocate
for the petitioner.

Mr. Arshdeep S. Kler, DAG, Punjab.

JAISHREE THAKUR, J. (Oral)

Petitioner Rattan Singh @ Bunti has filed the present petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No. 32 dated 21.04.2016, registered under Sections 363, 366-A and 376 of the IPC and Section 6 of POCSO Act, at Police Station Tallewal, District Barnala.

The aforesaid FIR came to be registered by Mr. Rajwinder Singh alleging that his niece namely Amandeep Kaur, aged about 17 years, was staying with him for two months. On 17.04.2016, when he woke up, he found that his niece was missing and despite making inquiries, he was not able to locate her. After lodging of the said FIR, the petitioner and one another person were arrayed as accused and the petitioner was subsequently arrested on 22.05.2016 and since then he has been in custody.

It is argued that a co-accused namely Jaspal Singh @ Jasu, from whom custody of the prosecutrix was recovered, has already been granted the concession of regular bail by an order dated 04.08.2016 passed by the

Additional Sessions Judge, Barnala.

I have heard learned counsel for the petitioner and perused the MLR dated 24.05.2016, conducted on the prosecutrix, which shows that there is no evidence of local injury. Even, reading of the said report is not indicative of the fact that rape has been committed upon the said prosecutrix. The petitioner has been in custody since May, 2016 and the statement of the prosecutrix has already been recorded under Section 164 Cr.P.C.

Notice of motion.

Mr. Arshdeep S. Kler, DAG, Punjab has appeared on behalf of respondent-State and contested the bail application.

In view of the fact that statement of the prosecutrix under Section 164 Cr.P.C. has been recorded and the petitioner is in custody since May, 2016 and further that the trial is likely to take some time, no useful purpose would be served by keeping the petitioner in custody furthermore.

Therefore, keeping in view the facts and circumstances of the present case and without expressing any opinion on the merit of the case, the present petition is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds and surety bonds to the satisfaction of Chief Judicial Magistrate/learned trial Court concerned.

Petition stands disposed of.

November 23, 2016

Ansari

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned

Yes

Whether reportable

No