

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

CRM-40194-2016 in/and
Crl. Misc.M-44424 of 2016 (O&M)
Date of Decision: 22.12.2016

Pardeep Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. J.S. Sandhu, Advocate
for the petitioner.

Mr. Mikhail Kad, AAG Punjab.

JAISHREE THAKUR, J. (Oral)

CRM-40194-2016

Allowed.

Annexure P2 is taken on record subject to all just exceptions.

Crl. Misc.M-44424 of 2016

The instant petition has been filed under Section 439 Cr.P.C.
for grant of regular bail to the petitioner in case FIR No.24 dated
20.02.2016, under Section 376 of Indian Penal Code and Section 4 of
Protection of Children from Sexual Offences Act.

Learned counsel for the petitioner contends that the petitioner
herein was taken into custody in the aforesaid FIR on 22.02.2016. The

statement of young prosecutrix has been recorded, in which, she has submitted that the accused, who was present in the court, did not commit rape upon her, therefore, petitioner is entitled to be enlarged on bail.

Per contra, learned counsel appearing on behalf of respondent-State opposes the bail application, while submitting that out of the 15 witnesses, 14 witnesses have already been examined, therefore, the petitioner is not entitled to grant of 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 the statement of young prosecutrix is on the record, which shows that she has not identified the petitioner as being the person, who has committed rape upon her and there will be no useful purpose in keeping the accused in custody, 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 22, 2016

vijay saini

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No