

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

**CRM No. M-7471 of 2016
Date of decision: 10.08.2016**

Krishan Parshad

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Gourave Bhayyia Gilhotra, Advocate,
for the petitioner.

Ms. Manpreet Dhaliwal, AAG, Punjab.

Ritu Bahri, J.

This petition under Section 439 Cr.P.C is for grant of regular bail to the petitioner in case F.I.R No. 74 dated 24.04.2015, under Sections 376/34 IPC, registered at Police Station, Division No.4, Ludhiana City.

The petitioner is in custody since 24.04.2015.

Learned counsel for the petitioner has referred to the affidavits (Annexures P-2 and P-3) to contend that the dispute between Vishav Nath Gupta, husband of complainant, Nand Lal and petitioner was with regard to some money, which they have deposited with complainant's husband. Thereafter, a compromise had been effected between them, whereby it was agreed to make necessary statement for acquittal in the criminal trial. Learned counsel has further referred to the order dated 26.05.2015 (Annexure P-5) passed by the Additional Sessions Judge, Ludhiana, whereby regular bail has been granted to Nand Lal Sharma, who is co-accused of the petitioner. While granting bail, it has been observed that

daughter (prosecutrix) of the complainant did not get recorded her statement under Section 164 Cr.P.C. or under Section 161 Cr.P.C. In the medical examination, no mark of injury on the person of prosecutrix has been reported.

After going through the affidavits (Annexures P-1 to P-3) and the order dated 26.05.2015 (Annexure P-5) , the possibility of dispute between the petitioner, Nand Lal Sharma and Vishav Nath Gupta on account of some money transaction could not be ruled out.

Learned State counsel, on instructions, has informed the Court that in her statement under Section 164 Cr.P.C., the prosecutrix has named both the petitioner and Nand Lal.

However, keeping in view the period of incarceration of the petitioner and the fact that co-accused of the petitioner namely Nand Lal has already been released on bail, this court feels that there is no need to detain the petitioner any longer. Moreover, the trial will take some time for its conclusion. Accordingly, this petition is allowed and petitioner is ordered to be enlarged on bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Ludhiana.

10.08.2016
ajp

(RITU BAHRI)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No