

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

Crl. Misc. M-12370 of 2017 (O&M)
Date of Decision: September 15, 2017

Shakti Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Gautam Dutt, Advocate
for the petitioner.

Mr. Abhaypal Singh Gill, AAG Punjab.

Mr. K.P. Rand, Advocate
for the complainant.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.221 dated 16.09.2016, under Section 306 of Indian Penal Code, registered at Police Station Rama Mandi, District Jalandhar.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 16.09.2016. While praying for grant of regular bail, counsel for the petitioner stated that the application filed by the prosecution to summon Sonia under Section 319 Cr.P.C. stands dismissed.

Per contra, learned counsel appearing on behalf of respondent-

State, on instructions from the Investigating Officer, opposes the bail application and submits that the statement of the complainant has been recorded in part and he is to be subjected to cross-examination, while further submitting that statement of the minor child is to be recorded.

I have heard learned counsel for the parties.

Initially, the matter was adjourned only on account of the fact that an application under Section 319 Cr.P.C. had been preferred. Since the application stands dismissed and the petitioner herein has been in custody for almost a year and the trial is likely to take some time, no useful purpose would be served in keeping the petitioner behind the custody. At this stage, 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. However, it is made clear that in case, the petitioner violates the conditions of the regular bail or attempts to contact/threat the witnesses, either by himself or through any other person, the father of the complainant is at liberty to approach this court for cancellation of his bail. In the meantime, an endeavor be also made to record the statement of the minor child.

The petition stands allowed with the aforesaid directions.

September 15, 2017

vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No