

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

Crl. Misc. M-25695 of 2017 (O&M)
Date of Decision: July 25, 2017

Munish Devgan @ Mishu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Narinder S. Lucky, Advocate
for the petitioner.

Mr. A.P.S. Gill, AAG Punjab.

JAISHREE THAKUR, J. (Oral)

Custody certificate has been filed.

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.119 dated 09.06.2017, under Sections 354, 354-A, 506, 34 of Indian Penal Code and under Section 8 of POCSO Act, registered at Police Station Gate Hakima, District Amritsar.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 09.06.2017. It is submitted that investigation is complete and the challan has been presented. It is also contended that the prosecutrix and the petitioner are not residing in the same village, therefore, the petitioner is entitled to be enlarged on bail.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from ASI Inderjit Singh, Investigating Officer, opposes the bail application, while submitting that as per the investigation both, the prosecutrix and the petitioner are residing in different villages.

I have heard learned counsel for the parties.

Since, the trial is likely to take some time and in view of the facts that no recovery is to be effected from the petitioner and he is not required for any further investigation, no useful purpose would be served in keeping the petitioner behind the custody. Therefore, at this stage, without commenting on the merits of the case, the instant petition is allowed, with the specific direction that the petitioner herein is not to approach the complainant or the prosecutrix and in case, it is found that he is within their vicinity, the order passed today shall stand vacated. 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.

The petition stands allowed with the aforesaid directions.

July 25, 2017
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No