

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

Crl. Misc. M-27806 of 2017 (O&M)
Date of Decision: August 28, 2017

Malkiat Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Jagjit Singh, Advocate
for the petitioner.

Mr. Abhaypal Singh Gill, AAG Punjab.

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.35 dated 04.05.2016, under Section 354-A(1) of Indian Penal Code (Sections 8 and 9 of POCSO Act added later on) registered at Police Station Lambra, District Jalandhar.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 14.02.2017. It is submitted that petitioner has been falsely implicated in the present case. It is also contended that both the prosecutrix and mother of the prosecutrix have been examined, therefore, the petitioner is entitled to be enlarged on bail.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the bail application, while submitting that out of total 12 witnesses, 03 witnesses have been examined including the prosecutrix and mother of the prosecutrix.

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, he is not required for any further investigation and that statement of both the prosecutrix and mother of the prosecutrix have been examined, 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, subject to the condition that the petitioner will not return to the same house or reside within the same vicinity, where the prosecutrix is residing.

August 28, 2017

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(JAISHREE THAKUR)

JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No