

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

Crl. Misc. M-27867 of 2017 (O&M)

Date of Decision: October 27, 2017

Mohd. Shahjahan @ Muna

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Mandeep Kaushik, Advocate
for the petitioner.

Mr. Davinder Bir Singh, DAG 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.45 dated 16.05.2017, under Sections 363, 366-A of Indian Penal Code and Sections 4 and 8 of POCSO Act registered at Police Station SBS Nagar, Police Commissionerate Ludhiana, District Ludhiana.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 17.05.2017. It is also contended that after framing of charges, statements of both the complainant and the prosecutrix have been recorded and she has not supported the case of the prosecution. It is argued that in such a situation, the petitioner is entitled to be enlarged on bail.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from ASI Major Singh, opposes the bail application, however, is not in a position to dispute the fact that statement of the prosecution does not support the version of the prosecution.

I have heard learned counsel for the parties.

Since, the trial is likely to take some time and in view of the facts that statements of both the complainant and the prosecutrix have been recorded and the prosecutrix has not supported the case of the prosecution, 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.

October 27, 2017
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No