

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

**CRM-M-29104-2017  
Date of decision: 11.09.2017**

Sunny Kumar

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR**

Present: Mr. Raj Kumar Gupta, Advocate,  
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

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**JAISHREE THAKUR, J. (ORAL)**

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 124 dated 15.07.2016, under Sections 376-D, 323 and 34 of the Indian Penal Code and Sections 5 and 6 of the POCSO Act, registered at Police Station Moga City, District Moga.

It is contended by the counsel for the petitioner that the petitioner has falsely been implicated in this case and he is in custody since 26.07.2016. It is also contended that in fact the prosecutrix in her testimony recorded before learned Additional Sessions Judge on 16.05.2017 (Annexure P-1) has stated that the petitioner has not committed rape upon her. He further contends that co-accused the petitioner has been enlarged on bail by this Court by order dated 21.08.2017 passed in CRM-M-29220-2017.

Mr. M.S. Nagra, AAG, Punjab, has appeared on behalf of respondent-State and contested the bail application. He also submits that statements of the prosecutrix has been recorded.

Without going into the merits of the case and keeping in view the fact that the petitioner is in custody since 26.07.2016; the statement of the prosecutrix has been recorded and the trial is likely to take some time to conclude, and that the co-accused of

the petitioner has been granted bail by this Court on 21.08.2017, the present petition is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds and surety bonds to the satisfaction of trial Court/Duty Magistrate concerned.

11.09.2017

Nisha-I

(JAISHREE THAKUR)  
JUDGE

Whether speaking/reasoned  
Whether reportable

Yes.  
No.