

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

Crl. Misc.M- 32127 of 2016 (O&M)
Date of Decision: July 18, 2017

Sushant Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Liaqat Ali, Advocate
for the petitioner.

Mr. A.A. Pathak, Addl. AG Punjab

Mr. Aayush Gupta, 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.401 dated 02.12.2015, under Sections 363, 366-A, 376 of Indian Penal Code, registered at Police Station Basti Jodhewal, Ludhiana (later on added Section 120-B of IPC and POCSO Act).

Learned counsel for the petitioner contends that petitioner has been in custody since 25.03.2016. It is argued that the main allegations are against Karamtula, who is in custody. There are no specific allegations as

against the present petitioner to constitute the offence under Section 376 IPC, therefore, he should 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 the offences alleged against the petitioner are serious in nature, therefore, the petitioner is not entitled to grant of regular bail.

At this stage, the court is also informed by counsel appearing on behalf of the complainant that the young prosecutrix has since committed suicide.

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 main allegations have been levelled against co accused Karamtula in the FIR, 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 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.

July 18, 2017
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No