

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

CRM-M-31327-2017 (O&M)

Date of decision : 27.09.2017

Shankar Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Monty Goyal, Advocate,
for the petitioner.

Mr. A.S. Gill, Sr. DAG, Punjab,
assisted by ASI Prem Lal.

JITENDRA CHAUHAN, J. (Oral)

The instant petition has been filed under Section 439 of the Code of Criminal Procedure (for short, 'the Cr.P.C.') seeking bail in case FIR No.126 dated 11.09.2016, registered under Sections 376 and 506 of the Indian Penal Code, (for short, 'the IPC') and Sections 3 & 4 of the Protection of Children from Sexual Offences Act, 2012, at Police Station Division No.2, District Ludhiana.

Learned counsel, inter alia, contends that the alleged incident took place on 07.09.2016, whereas, the instant FIR came to be registered on 11.09.2016, i.e. after a delay of four days. The medical examination upon the prosecutrix was conducted on 12.09.2016. The petitioner has been falsely implicated due to family dispute. He is in custody since 11.09.2016.

On the other hand, learned State counsel, on instructions, states

that out of seventeen prosecution witnesses, only one formal witness remains to be examined, therefore, the trial is at the fag end.

Heard.

Keeping in view the fact that the trial is at the fag end, this Court is not inclined to go into the merits of the case, at this stage.

Dismissed.

Anything observed hereinabove shall not be construed as an expression of opinion of the Court, on the merits of the case.

27.09.2017

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No