

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

Crl. Misc. M-31709 of 2017 (O&M)
Date of Decision: September 05, 2017

Tinku Paswan

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Sunny K. Singla , Advocate
for the petitioner.

Mr. M.S. Nagra, 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.04 dated 04.01.2017, under Sections 363, 366-A, 120-B of Indian Penal Code and Sections 3, 4 of POCSO Act, registered at Police Station Focal Point, District Ludhiana City.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 04.01.2017. It is submitted that petitioner is falsely implicated in the present case. It is also contended that petitioner herein is the brother of Shekhar Paswan, with whom the prosecutrix had solemnized the marriage on 25.12.2016. It is

argued that co accused Sita Ram Paswan, who is the brother-in-law (Jeeja) of Shekhar Paswan has already been granted regular bail by this court, therefore, 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 the offences alleged against the petitioner are serious in nature, therefore, the petitioner is not entitled to grant of regular bail.

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 co-accused Sita Ram Paswan, against whom similar type of allegations have been levelled, has already been granted regular bail, 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.

September 05, 2017
Jyoti-II

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No