IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-32756-2017
Date of decision: 12.09.2017

Harjit Singh @ Babu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Ashok Kumar Sama, Advocate,
for the petitioner.

Mr. Abhaypal Singh Gill, AAG Punjab.

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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.92 dated 12.08.2016, under Sections 363, 366-A, 376, 511, 120-B of Indian Penal Code and Section 18 of POCSO Act, registered at Police Station Bahavwala, District Fazilka.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 17.08.2016. It is submitted that there are several discrepancies in the statement of the prosecutrix wherein, she has stated that the petitioner herein did not commit any type of offence against her. It is also contended that statement of all the witnesses have been recorded including the prosecutrix and her brother and only one witness is to be examined. Counsel for the petitioner, referring to Annexure P-3, submits that the similarly situated co-accused namely Nirmal Singh @ Nimma has been released on bail by this Court. Therefore,

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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 statement of prosecutrix and her brother have already been recorded and only one witness remains to be examined.

I have heard learned counsel for the parties.

Since, the similarly situated co-accused has been granted the benefit of regular bail by this Court and the trial is likely to take some time and in view of the fact that no recovery is to be effected from the petitioner, he is not required for any further investigation and statement of prosecutrix and her brother have been recorded, 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.

12.09.2017 **(JAISHREE THAKUR)**
Nisha-I **JUDGE**

Whether speaking/reasoned Yes.

Whether reportable No.

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