

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

CRM-M-32940-2017

Date of decision: 14.12.2017

Sunny

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr.AS Bhatti, Advocate for the petitioner

Ms.Gulnoor Ghumman, AAG, Punjab
assisted by ASI Ashwani Kumar

JITENDRA CHAUHAN, J.

The present petition under Section 439 of the Code of Criminal Procedure (for short, 'the Cr.P.C.') has been filed for grant of bail to the petitioner in case FIR No.147 dated 29.7.2017, registered under Sections 354-D and 506 of the Indian Penal Code, (for short, 'the IPC') and Sections 8 and 12 of POCSO Act, 2012 at Police Station Jamalpur, District Ludhiana.

Learned counsel for the petitioner contends that the material witnesses i.e. PW1, prosecutrix, PW2 Sudama Tiwari and PW3 Sandhya Devi, parents of the prosecutrix and PW4 Surinder Kumar, eye witness, have turned hostile and have not supported to the case of the prosecution. The petitioner is in custody since 29.7.2017.

On the other hand, learned State counsel opposes the prayer of

the petitioner.

Heard.

Considering the fact that the challan stands already presented; the petitioner is in custody since 29.7.2017; out of 20 prosecution witnesses, only four witnesses have been examined so far; as the material witnesses have turned hostile, there is no plausible ground to keep the petitioner in further incarceration; so, without commenting on the merits of the case, this petition is allowed. The petitioner be admitted to bail during the pendency of trial, on his furnishing bail bonds and surety bonds to the satisfaction of trial Court/duty Magistrate concerned.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

14.12.2017
gsv

(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No