

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

Crl. Misc. M-37617 of 2017 (O&M)
Date of Decision: November 03, 2017

Pargat Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. P.S. Hundal, Advocate
for the petitioner.

Mr. Davinder Bir Singh, DAG 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.113 dated 27.06.2016, under Sections 376, 511, 457 of Indian Penal Code, registered at Police Station Sadar Khanna, Police District Khanna, District Ludhiana.

Learned counsel for the petitioner contends that this court on an earlier occasion by noting that there was conversation between the petitioner and the prosecutrix, which would show intimacy between them, had allowed regular bail on 23.08.2016 but the same was cancelled on 01.03.2017. It is argued that the statement of the prosecutrix has been recorded, therefore, there would be no occasion for him to threaten the prosecutrix. It is also argued that the prosecutrix has refused to give her

voice sample, which would be necessary to establish that they were in contact with each other.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the bail application, while contending that the petitioner herein had misused the concession that had been given to him on an earlier occasion. However, the counsel for the respondent-State does not dispute that statement of the prosecutrix has since been recorded.

I have heard learned counsel for the parties.

Since, the trial is likely to take some time and in view of the fact that statement of the prosecutrix has been recorded, 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.

November 03, 2017

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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No