

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

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**CRM-M-37850-2017
Date of Decision:20.11.2017**

Manjit

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Ms. Puja Chopra, Advocate
for the petitioner.

Mr. A.S. Dhaliwal, DAG, Punjab.

JAISHREE THAKUR, J. (Oral)

The instant petition under Section 439 Cr. P.C. has been filed for grant of regular bail to the petitioner in case FIR no. 27 dated 17.03.2017, under Sections 363/366-A/376 IPC and 3/4 POCSO Act 2012, registered at Police Station Passiana, District Patiala.

Counsel for the petitioner contends that a reading of the statement suffered by the prosecutrix would reflect that she had accompanied the petitioner of her own accord as she has packed three suits and then boarded the train along with him. It is argued that the prosecutrix had refused to undergo a medical and even to accompany her parents. It is submitted that the statement alleging rape has been got recorded after the prosecutrix had been kept in police custody and there is no medical on the record to substantiate the plea of an offence under Section 376 of the IPC. It is further argued that the petitioner herein has been in custody since 17.03.2017. By an order dated 09.11.2017 this Court had directed that an endeavor be made to record the statement of prosecutrix, however, the same has not been recorded on the date

fixed. There would be a remote possibility of the petitioner herein trying to influence the witnesses, therefore, petitioner is entitled to be enlarged on bail.

Learned counsel for the respondent-State, on instructions from Investigating Officer, opposes the grant of regular bail, while arguing that offences alleged against the petitioner are serious in nature, therefore, he is not entitled to be enlarged on regular bail.

I have heard learned counsel for the parties.

Since the trial is likely to take some time to conclude and in view of the facts that the petitioner has been in custody since 17.03.2017, no useful purpose would be served by keeping the petitioner behind bars. At this stage, without commenting upon the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned, with a rider that the petitioner will make no attempt to contact the prosecutrix or her family members and will keep a safe distance. In case, he violates the said order, the State/complainant/prosecutrix is at liberty to approach this Court for cancellation of the bail.

Let a copy of this order be supplied to the complainant by the State counsel.

(JAISHREE THAKUR)
JUDGE

November 20, 2017
jyoti3

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No