

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

Crl. Misc. M-38544 of 2017 (O&M)
Date of Decision: November 24, 2017

Deepak Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Rishu Mahajan, Advocate
for the petitioner.

Mr. A.S. Dhaliwal, DAG Punjab.

Mr. Deepak Arora, Advocate
for the complainant.

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.117 dated 16.08.2016, under Sections 363, 366, 120-B of Indian Penal Code (offence under Section 376 of IPC added later on) registered at Police Station Division No.4, District Jalandhar.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 20.12.2016. It is argued that daughter of the complainant was having love affair with the petitioner and he is falsely implicated in the present case. It is also contended that out of total 10 witnesses, 02 material witnesses i.e. the

complainant and prosecutrix have been examined, therefore, petitioner is entitled to be enlarged on bail.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from Investigating Officer, opposes the grant of regular bail, while submitting that both the complainant and prosecutrix have been examined.

I have heard learned counsel for the parties.

Since, the trial is likely to take some time and in view of the facts that the petitioner herein has been in custody since 20.12.2016 and both the material witnesses i.e. complainant and prosecutrix have been examined, no useful purpose would be served in keeping the petitioner behind bars. 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 24, 2017

vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No