

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

CRM-M-39398-2017 (O&M)

Date of decision: 08.12.2017

Malkit Singh @ Mona

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Ritesh Pandey, Advocate
for the petitioner.

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

JAISHREE THAKUR, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 10 dated 02.02.2010, under Sections 363, 376 and 34 of the IPC, registered at Police Station Qilla Lal Singh, Police District Batala, District Gurdaspur.

Counsel for the petitioner contends that the petitioner has been falsely implicated in this case and he has been in custody since 03.07.2017. It is further contended that the statement of the prosecutrix was recorded in Court and she has resiled from her earlier statement. Counsel for the petitioner submits that the petitioner should be enlarged on regular bail as the trial of the case is likely to take some time.

Mr. A. S. Dhaliwal, DAG, Punjab, has appeared on behalf of respondent-State and contested the bail application. He opposes the grant of regular bail in general, however, is not able to controvert the contention raised by the counsel for the petitioner.

I have heard learned counsel for the parties.

Since the petitioner is in custody since 03.07.2017; the prosecutrix has resiled from her statement and the trial is likely to take some time, no useful purpose would be served in keeping him in custody furthermore. Hence, the present petition is accepted. 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.

However, any opinion expressed herein is for the purpose of grant of regular bail and not an opinion on the merits of the case.

08.12.2017

Waseem Ansari

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No