

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

Crl. Misc. No.35215 of 2017 in/and
Crl. Misc. M-40717 of 2017 (O&M)
Date of Decision: November 03, 2017

Rajinder Prashad

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Ms. Jasneet Mehra, Advocate
for the applicant-petitioner.

Mr. Davinder Bir Singh, DAG Punjab.

JAISHREE THAKUR, J. (Oral)

Crl. Misc. No.35215 of 2017

This is an application that has been preferred seeking to amend the head note and prayer clause of the main petition by adding offences under Section 376 of Indian Penal Code and Section 6 of POCSO Act.

For the reasons mentioned in the application, the same is allowed.

Registry to do the needful.

Main case

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.78 dated 12.09.2017, under Sections 363, 366-A, 376, 120-B of Indian Penal Code and Section 6 of POCSO Act, registered at Police Station Ramdass, District Amritsar.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the said FIR on 25.09.2017. It is argued that the petitioner has wrongly been implicated in the FIR. In fact, his nephew Balram solemnized a marriage with Khushpreet Kaur, who is the daughter of the complainant and after having performed the said marriage, they sought protection from this court in Criminal Misc. No.M-35546 of 2017, which was allowed by this court on 21.09.2017. It is contended that no overt act has been alleged against the petitioner, therefore, the petitioner is entitled to be enlarged on regular bail.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the bail application, while submitting that the offences alleged against the petitioner are serious in nature, therefore, the petitioner is not entitled to grant of regular bail.

I have heard learned counsel for the parties.

Since, the trial is likely to take some time and in view of the fact that the petitioner herein is in custody for last more than one month, 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