

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

CRM-M-40788-2017

Date of decision: 06.11.2017

Sandeep Kumar

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. P.K.S. Phoolka, Advocate,
for the petitioner.

JAISHREE THAKUR, J. (ORAL)

This is a petition that has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.194 dated 04.09.2017 under Sections 363/366-A of the IPC, registered at Police Station Canal Colony Bathinda, District Bathinda.

Notice of motion was issued in this case.

Mr. A.S. Dhaliwal, learned DAG, Punjab has put in appearance on behalf of the respondent-State and Mr. Davinder Kumar, Advocate has appeared on behalf of the complainant-respondent No.2.

Learned counsel for the petitioner herein contends that the petitioner has been in custody since 09.09.2017 and the statement of the material witness i.e. complainant, father of the victim, has already been recorded wherein he has not supported the prosecution version while stating that he got registered the instant FIR against the petitioner under misconception. An affidavit of the complainant has also been annexed with the petition as Annexure P-2 stating that he got registered the FIR under

misconception and the petitioner herein had not induced his daughter and neither his daughter or Sandeep Kumar, present petitioner have any relation with each other. The complainant also made a statement that he has no objection if bail is granted to the petitioner. Learned counsel for the petitioner also argues that the trial is likely to take some time to conclude.

Learned counsel for the respondent-State submits that statement of the complainant has been recorded.

Learned counsel for the complainant admits the factum that the complainant is not supporting the prosecution version and that he has no objection if regular bail is granted to the petitioner.

I have heard learned counsel for the parties and perused the record.

Without going into the merits of the case and keeping in view the fact that statement of the complainant has been recorded and he does not support the prosecution version, and the trial is likely to take some time to conclude, the present petition is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds and surety bonds to the satisfaction of trial Court/Duty Magistrate, concerned.

However, it is made clear that any opinion expressed herein is for the purpose of grant of bail and not to be construed as an opinion on the merits of the case.

06.11.2017

Satyawan

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes.
No.