

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

CRM-M-41083-2017 (O&M)
Date of decision : 18.12.2017

Sukhwinder Singh @ Kuka

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. B.S. Aulakh, Advocate,
for Mr. Rahul Sharma, Advocate,
for the petitioner.

Ms. Gulnoor Ghumman, AAG, Punjab,
assisted by ASI Dhanwant Singh.

JITENDRA CHAUHAN, J. (Oral)

The instant petition has been preferred under Section 439 Cr.P.C. seeking bail in FIR No.0161 dated 30.09.2016, registered under Sections 450, 354, 354-B (added subsequently), 451, 376 read with Section 511 and 506 of the Indian Penal Code and Sections 8 and 10 of the Protection of Children from Sexual Offences Act, 2012 (Sections 451 IPC and Section 10 of POCSO Act deleted subsequently), at P.S. Division No.4, District Ludhiana.

Contentends that the petitioner has been falsely implicated in the instant case. The story put forth by the prosecution is highly improbable. The material witnesses have already been examined. The petitioner is in custody since 02.10.2016.

On the other hand, learned State counsel, states that the petitioner has been specifically named in the FIR. The prosecutrix is a minor. She, on instructions, submits that the trial is in progress. Out of 21 prosecution witnesses, 4 including the prosecutrix and the complainant,

already stand examined, whereas, 7 others have been given up.

Heard.

Keeping in view the facts that the petitioner is in custody since 02.10.2016; the material witnesses already stand examined; and 10 witnesses are yet to be examined, thus, it can safely be inferred that the trial is not likely to be concluded in the near future; without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on furnishing bail bonds and surety bonds, to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

However, anything noticed hereinabove shall not be construed as an expression of opinion on the merits of the case.

18.12.2017
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No