

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

Crl. Misc. M-42057 of 2017 (O&M)
Date of Decision: November 21, 2017

Chamkaur Singh alias Ghughi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. N.S. Dandiwal, Advocate
for the petitioner.

Mr. A.S. Dhaliwal, DAG Punjab.

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.106 dated 21.09.2016, under Sections 376, 323, 506, 363, 366, 328, 34 of Indian Penal Code and Section 4 of POCSO Act, registered at Police Station Ajitwal, District Moga.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 30.09.2016. It is submitted that petitioner is falsely implicated in the present case. It is also contended that out of total 16 witnesses, 02 witnesses have been examined including the prosecutrix and 02 witnesses have been given up, therefore, the 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 bail application, while submitting that statement of the prosecutrix has been recorded.

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 30.09.2016 and that statement of prosecutrix has already been recorded, 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 21, 2017
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No