

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

**CRM-M No. 43196 of 2016(O&M)**

**Date of decision: 12.1.2017**

Kumar Sarju

....Petitioner

VERSUS

State of Punjab

.....Respondent

**CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL**

Present: Mr. C.S. Rana, Advocate for the petitioner.

Mr. Arshdeep S. Kler, DAG, Punjab.

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**REKHA MITTAL, J.(Oral)**

**CRM No.137 of 2017**

Heard.

Allowed as prayed for.

Copy of statement dated 10.08.2016 (Annexure P-6) made by the prosecutrix is taken on record subject to just exceptions.

Disposed of accordingly.

**CRM-M No.43196 of 2016**

The petitioner prays for grant of regular bail in FIR No.2 dated 06.01.2016 registered with Police Station Jamalpur, District Ludhiana for offence punishable under Sections 363, 366-A, 376 of the Indian Penal Code, 1860 (in short 'IPC') and Section 3, 4 of the Protection of Children from Sexual Offences Act, 2012.

Counsel for the petitioner has submitted that the petitioner was taken in custody on 11.01.2016 and is behind the bars for the past more than one year. On completion of investigation, challan was presented in the Court; charges were framed and even the prosecutrix has been

examined. The prosecutrix in her testimony recorded on 10.08.2016, turned hostile and did not support the prosecution even when she was put questions in the form of cross examination by the Public Prosecutor. The petitioner is ready to face the proceedings without any default and subject to the terms and conditions that may be imposed by this Court.

Counsel for the respondent-State has not disputed the factum of custody of the petitioner and so also the prosecutrix having failed to support the prosecution.

As conclusion of the trial is likely to take some time, without commenting upon merits of the case, the petitioner shall be released on bail subject to furnishing bail bonds to the satisfaction of the trial Court. However, he shall abide by the following conditions:-

- (i) he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of the case so as to dissuade him/her from disclosing such facts to the Court;
- (ii) he shall not leave India without previous permission of the Court.

**JANUARY 12, 2017**

‘D. Gulati’

**(REKHA MITTAL)**  
**JUDGE**

|                           |   |        |
|---------------------------|---|--------|
| Whether speaking/reasoned | : | yes/no |
| Whether reportable        | : | yes/no |