

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

CRM-M-43690-2017 (O&M)
Date of decision : 22.11.2017

Surinder Singh @ Rajinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Sandeep Kumar Bokolia, Advocate,
for the petitioner.

Ms. Gulnoor Ghuman, AAG, Punjab,
assisted by ASI Gurmail Singh.

JITENDRA CHAUHAN, J. (Oral)

The instant petition has been preferred under Section 439 Cr.P.C. seeking bail in FIR No.123 dated 19.06.2016, registered under Sections 363, 366-A and 376 of the Indian Penal Code, at P.S. City South, Moga.

Contents that a false case has been foisted upon the petitioner. In fact, the daughter of the complainant neither accompanied the petitioner, nor was she recovered from his custody. The complainant and other material witnesses have already been examined. The alleged victim has neither been cited as a witness during trial by the prosecution, nor her statement under Section 164 Cr.P.C. was recorded. The petitioner is in custody since 24.06.2016.

On the other hand, learned State counsel has opposed the instant petition. On instructions, she submits that the victim was recovered from the custody of the petitioner. However, she admits that at no point of time was the victim joined in the investigation or her statement was

recorded.

Heard.

Learned State counsel is unable to explain as to why the victim, who is a student of 10+2, has not been cited as one of the witnesses. The complainant and other material witnesses have already been examined. The petitioner is in custody since 24.06.2016. Therefore, this Court feels that no useful purpose would be achieved in keeping the petitioner under further incarceration.

In view of the above, without advertng 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.

22.11.2017
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No