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

Crl. Misc. M-45326 of 2017 (O&M)
Date of Decision: December 05, 2017

Chetan Kumar @ Chinki

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Naveen Bawa, Advocate
for the petitioner.

Mr. A.S. Dhaliwal, DAG Punjab.

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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.254 dated 04.07.2017, under Sections 363, 366-A of Indian Penal Code and Section 4 of POCSO Act (later on Section 4 of POCSO Act was deleted and challan was presented under Sections 363, 366-A of Indian Penal Code and Section 8 of POCSO Act), registered at Police Station Basti Jodhewal, District Ludhiana

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 06.07.2017. It is submitted that the allegations as set up in the FIR are not sustainable. In fact, a reading of the statement of the prosecutrix would reflect that she eloped on 03.07.2017 and got married at Chintpurni. It is also contended

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that investigation is complete, as the challan has been presented and charges have been framed, therefore, 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 grant of regular bail, while submitting that challan has been presented and charges have been framed.

I have heard learned counsel for the parties.

Since, the trial is likely to take some time and in view of the facts that challan has been presented and charges have already been framed, 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.

(JAISHREE THAKUR)
JUDGE

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Whether speaking/reasoned Yes/No
Whether reportable Yes/No

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