

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

CRM-M No. 46351 of 2016(O&M)

Date of decision: 17.1.2017

Deepak Kumar

....Petitioner

VERSUS

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Anterpreet Singh, Advocate for the petitioner.

Mr. Mikhail Kad, DAG, Punjab.

REKHA MITTAL, J.(Oral)

The petitioner prays for grant of regular bail in FIR No.287 dated 15.08.2015 registered with Police Station Jodhewal, District Ludhiana for offence punishable under Sections 363, 366-A of the Indian Penal Code, 1860 (in short 'IPC') and later offence under Section 376, 120-B IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012 were added.

Counsel for the petitioner has submitted that the prosecutrix has not levelled any allegation of rape against the petitioner. She appeared in the witness box and failed to connect the present petitioner with the crime as she stated that other accused present in the Court is not the person who helped accused Chandan in kidnapping. Another submission made by counsel is that main accused in the case namely Chandan, to whom the allegation of sexual assault has been attributed, has been released on bail under Section 167(2) of the Code of Criminal Procedure, 1973. The

petitioner was arrested on 12.05.2016 and conclusion of trial is likely to take its own time.

Counsel for the State has not disputed factual assertions but opposed the bail application.

As conclusion of 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 17, 2017

‘D. Gulati’

(REKHA MITTAL)

JUDGE

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