

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

Crl. Misc. M-11491 of 2018 (O&M)
Date of Decision: July 02, 2018

Sonu Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Charanjeet Singh, Advocate
for the petitioner.

Ms. Rajni Gupta, Senior 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.135 dated 24.09.2017, under Sections 363, 366-A, 376 of Indian Penal Code, registered at Police Station Division No.3, Ludhiana.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 05.10.2017. It is submitted that the allegations as set out in the FIR are wholly unsustainable, in fact, it is a case of consent. It is argued that consent can be gauged from the facts that the prosecutrix in her statement recorded under Section 164 Cr.P.C. has stated that she would like to reside with the petitioner alone. It is also contended that both the material witnesses i.e. the complainant and

the prosecutrix have been examined and conclusion of trial will take sufficient time, therefore, the petitioner is entitled to be enlarged on bail.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer opposes the grant of regular bail to the petitioner, however, does not dispute the fact that both the material witnesses have been examined.

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 05.10.2017 and that both the material witnesses i.e. the complainant and the prosecutrix have been examined, 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.

July 02, 2018

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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No