

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

Crl. Misc. M 11753 of 2018 (O&M)
Date of decision: 30.5.2018

Shivang and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Sham Lal Bhalla, Advocate,
for the petitioners.

Mr. Nikhil K. Chopra, Additional Advocate General, Punjab.

JAISHREE THAKUR, J. (Oral)

The petitioner herein has filed this petition under Section 439 of the Code of Criminal Procedure for grant of regular bail in case FIR No. 35 dated 19.2.2018, under Sections 376/34 IPC registered at Police Station Sarabha Nagar, Ludhiana.

Learned counsel for the petitioners contends that both the petitioners herein have been falsely implicated in this case as is evident from the fact that the prosecutrix has refused to get her medical examination done. It is submitted that the petitioners had been granted interim bail to undertake their examinations and after taking the examinations, they have surrendered. It is also argued that the petitioners herein did not misuse the interim bail granted to them, while further arguing that the matter stands investigated and the challan has been presented. Further there is delay in framing of the charges.

Mr. Nikhil K. Chopra, Additional Advocate General, Punjab, opposes the bail application, while contending that the offence as alleged to have been committed by the petitioners is of serious nature.

Without going into the merits of the case and keeping in view the fact that the complainant refused to get her medical examination done and the trial is likely to take some time to conclude, the present petition is accepted and the petitioner is ordered to be released on regular bail on their furnishing bail bonds and surety bonds to the satisfaction of trial Court/Duty Magistrate, concerned.

30.5.2018
prem

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No