

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

Crl. Misc. M-11361 of 2017 (O&M)
Date of Decision: August 01, 2018

Shamsher Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Ravi Kant Kagra, Advocate
for the petitioner.

Ms. Seena Mand, 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.87 dated 22.08.2016, under Sections 376, 506, 120-B of Indian Penal Code and Section 3 of SC/ST Act, registered at Police Station Women, District Patiala.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 22.08.2016. It is submitted that the proceedings before the trial court have since been stayed because the co-accused has approached this court for quashing of the FIR in question. It is also contended that out of total 17 witnesses, 01 witness i.e. young prosecutrix has 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 facts that statement of the young prosecutrix has been recorded and that the proceedings have been stayed by this court in the quashing petition that has been filed by the co-accused.

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 22.08.2018, that the statement of the young prosecutrix has been recorded and that the proceedings before the trial court have been stayed in the quashing petition that has been filed by the co-accused, 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.

August 01, 2018

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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No