

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

**CRM-M-13011-2017
Date of decision: 31.07.2018**

Lovejot Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Ms. J.J. Kaur, Advocate,
for the petitioner.

Ms. Seena Mand, DAG, Punjab.

JAISHREE THAKUR, J. (ORAL)

This is a petition that has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 95 dated 13.10.2016 under Sections 365/34 IPC, later on added Sections 363, 366, 366-A, 370, 372, 373, 376, 120-B IPC and Sections 5(1), 6 of POCSO Act, 2012, registered at Police Station Kot Fatta, District Bathinda.

Learned counsel for the petitioner herein would contend that the main allegations in the FIR are against his mother. In fact, the petitioner herein only accompanied her. It is also argued that he has been in custody since 10.01.2017 and the trial has already commenced. It is also argued that the material witnesses have been examined. In this background, he prays for grant of bail to the petitioner.

Ms. Seena Mand, learned DAG, Punjab opposes the grant of regular bail while submitting that the allegations are serious in nature. She

further submits that the material witnesses have been examined.

I have heard learned counsel for the parties and in view of the fact that the petitioner herein has been incarcerated since 10.01.2017 and the fact that the material witnesses have been examined, without expressing any opinion on merits of the case, the present petition is allowed. Petitioner is ordered to be released on regular bail on furnishing bail bonds and surety bonds to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, concerned subject to following terms:-

- (i) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (ii) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the accused shall have to apply for bail afresh before the trial Court.
- (iii) He shall not leave the country without the previous permission of the Court.

31.07.2018

Satyawan

Whether speaking/reasoned

Whether reportable

(JAISHREE THAKUR)
JUDGE

Yes.

No.