

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

Crl. Misc. M-1402 of 2018 (O&M)
Date of Decision: May 23, 2018

Chandan

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. P.K.S. Phoolka, Advocate
for the petitioner.

Mr. A.S. Sandhu, Addl. AG 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.102 dated 24.10.2017, under Sections 363, 366-A of Indian Penal Code (Section 376 of Indian Penal Code and Section 4 of POCSO Act added later on vide DDR No.34 dated 26.10.2017), registered at Police Station SGN Dev Thermal Plant, District Bathinda.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR in the month of October, 2017. It is submitted that the petitioner has been falsely implicated in the present case. It is argued that the prosecutrix has suffered a statement under Section 164 Cr.P.C. before JMIC on 24.10.2017, which statement was without any pressure as recorded by the JMIC, in which she submitted that

she had left voluntarily in the company of the petitioner herein. It is also contended that investigation is complete, as the challan has been presented 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 the respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, while submitting that the offences alleged against the petitioner are serious in nature, however, does not dispute the fact that challan has already been presented in the court.

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 October, 2017 and that investigation is complete, as the challan has been presented, 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, with a rider that the petitioner shall not approach or contact with the victim or her family members in any manner whatsoever either personally or through any other person and in case, he does so, the State shall be at liberty to approach this court.

May 23, 2018

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**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No