

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

**Criminal Misc. No.M-1453 of 2018(O&M)
Date of Decision: February 19, 2018.**

Suresh Chandra

Petitioner.

Versus

State of Punjab

Respondent

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Vipul Joshi, Advocate
for Mr. P.S.Ahluwalia, Advocate
for the petitioner.

Ms. Seena Mand, DAG., Punjab.

LISA GILL, J.

Petitioner seeks the concession of bail pending trial in FIR No.67 dated 10.04.2017, under Sections 376, 511, 342, 323, 354 IPC, Police Station Phase-I, Mohali, District S.A.S. Nagar (Mohali).

It is submitted that the petitioner has been falsely implicated in this case. Moreover, even if the allegations in the FIR are accepted, no offence punishable under Sections 376, 511 IPC, is made out against the petitioner. It is further submitted that the prosecutrix as well as all the other material witnesses have since testified before the learned trial Court. The petitioner has been in custody since 11.04.2017 and is not involved in any other criminal case. It is thus prayed that this petition be allowed.

Learned counsel for the State, on instructions from HC Sanjeev Kumar, verifies that the prosecutrix in this case has since testified before the learned trial Court. Seven out of fourteen witnesses have been examined. Petitioner is not reported to be involved in any other criminal case.

There are no allegations on behalf of the State that the petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts before the Court, if released on bail. Trial in this case is not likely to conclude in the near future. No useful purpose would be served by keeping the petitioner incarcerated any longer in the facts and circumstances of this case.

Keeping in view the facts and circumstances of the case but without commenting upon or expressing any opinion on the merits thereof, this petition filed by Suresh Chandra, is allowed. The petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety to the satisfaction of the learned Trial Court.

Petitioner shall not attempt to contact the victim or any of her family members/witnesses in any manner directly or indirectly. Any such infraction shall entail cancellation of bail afforded to him.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition

19.02.2018
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.