

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

Crl. Misc.M- 14652-2018 (O&M)

Date of Decision: August 08, 2018

Jatinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Ms. Geeta Sharma, Advocate
for the petitioner.

Ms. Rajni Gupta, Sr. 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. 136 dated 07.06.2014, under Section 376-D of Indian Penal Code, registered at Police Station Bhikhiwind, District Tarn Taran.

Learned counsel for the petitioner submits that the allegations a set out in the FIR are patently false and fabricated ones. Learned counsel for the petitioner further submits that the petitioner herein was taken into custody in the aforesaid FIR on 03.12.2017. It is also contended that statement of the prosecutrix has been recorded and she has not supported the version of the prosecution and that 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, while submitting that offences alleged against the petitioner are serious in nature ,however, she does not dispute the fact that out of total 20 witnesses, 03 have been examined, including the material witness i.e. the prosecutrix, in which she had not supported the version of the prosecution.

I have heard learned counsel for the parties.

Since, the trial is likely to take some time and in view of the facts that that the petitioner herein has been in custody since 03.12.2017 and that out of total 20 witnesses, 03 have since been examined, including the material witness i.e. the prosecutrix, in which she had not supported the version of the prosecution, no useful purpose would be served in keeping the petitioner behind bars. At this stage, without expressing any opinion 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 08, 2018

seema

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No