

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

Crl. Misc. M 16090 of 2018 (O&M)
Date of decision: 31.5.2018

Shivendra Prakash

...Petitioner

Versus

State of (UT) Chandigarh

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Rajiv Sharma, Advocate,
for the petitioner.

Mr. Amit Kumar Goyal, APP for U.T., Chandigarh.

Mr. Manish Singla, Advocate,
for the complainant.

JAISHREE THAKUR, J. (Oral)

The petitioner herein has filed this petition under Section 439 of the Code of Criminal Procedure for grant of regular bail in case FIR No. 273 dated 2.8.2017 under Section 376 IPC registered at Police Station Sector 34, Chandigarh.

Learned counsel for the petitioner contends that the relationship between the petitioner and the prosecutrix, in fact, was consensual in nature and the allegations, as set out in the FIR, have been made only implicate him. It is contended that the statement of the prosecutrix has been recorded and there is little likelihood of the petitioner of influencing any material witness. It is further submitted that the petitioner is in custody since 23.1.2018 and the trial is likely to take some time. No useful purpose would

be served by keeping the petitioner behind bars till the conclusion of the trial. He prays that the petitioner be admitted to regular bail.

Learned counsel for the Union Territory, Chandigarh as well as the complainant oppose the bail application, while contending that the offence as alleged to have been committed by the petitioner is of serious nature.

Without going into the merits of the case and keeping in view the fact that the petitioner is in custody since 23.1.2018, the statement of the prosecutrix has been recorded and the trial is likely to take some time to conclude, the present petition is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds and surety bonds to the satisfaction of trial Court/Duty Magistrate, concerned. Needless to say that in case the complainant apprehends any threat at the hands of the petitioner or his family members, she is at liberty to approach this Court for cancellation of the bail.

31.5.2018
prem

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No