

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

Crl. Misc. M-16712 of 2018 (O&M)
Date of Decision: July 11, 2018

Bhushan Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. T.S. Sangha, Senior Advocate with
Mr. Narinder Singh, Advocate
for the petitioner.

Mr. V.G. Jauhar, Senior DAG Punjab.

Mr. C.S. Rana, Advocate for
Mr. Jatinder Vaid, Advocate
for the complainant.

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.92 dated 08.05.2017, under Section 376/34 of Indian Penal Code, registered at Police Station Kotwali Bathinda, District Bathinda.

Learned Senior counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 14.09.2017. It is submitted that the allegations as set out in the FIR are not sustainable. Moreover, there is considerable delay in filing of the FIR. It is stated that co-accused Nihal Singh has already been granted regular bail by this court in CRM-M-36745-2017. It is also contended that the prosecutrix has

already been examined 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 respondent-State, on instructions from the Investigating Officer and counsel for the complainant oppose the grant of regular bail to the petitioner, while submitting that the offences alleged against the petitioner are serious in nature, therefore, the petitioner is not entitled to grant of regular bail.

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 14.09.2017, that co-accused Nihal Singh has already been granted regular bail and that the prosecutrix has already been examined, 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.

July 11, 2018

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**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No