

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

Crl. Misc. M-17728 of 2018 (O&M)
Date of Decision: July 05, 2018

Varinder Pal Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Rajiv Joshi, Advocate
for the petitioner.

Ms. Rajni Gupta, Senior 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.49 dated 19.03.2016, under Sections 363, 366-A, 376, 120-B of Indian Penal Code (Sections 4, 8 and 10 of POCSO Act added later on) registered at Police Station Phillaur, Jalandhar.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 20.03.2016. It is submitted that the petitioner has been falsely implicated in the present case. It is argued that the prosecutrix has narrated different versions in her statements recorded under Section 161 Cr.P.C., under Section 164 Cr.P.C. and in her deposition before the court. It is also submitted that the medical

evidence does not support the allegations of the prosecutrix. It is also contended that out of total 15 witnesses, most of the material witnesses, including the prosecutrix have 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 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 most of the material witnesses, including the prosecutrix have been examined.

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 20.03.2016 and that most of the material witnesses have been examined, including the prosecutrix, 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 05, 2018
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No