

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

Crl. Misc. M-18369 of 2018 (O&M)
Date of Decision: July 31, 2018

Vijay Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Umesh Kumar Kanwar, Advocate
for the petitioner.

Ms. Seena Mand, 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.153 dated 17.08.2017, under Section 354-A of Indian Penal Code and Section 6 of POCSO Act (Section 452 IPC added later on), registered at Police Station Basti Bawakhel, Jalandhar.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 16.11.2017. It is submitted that the petitioner has been falsely implicated in the FIR. It is argued that statement of the young prosecutrix has been recorded, in which there is a contradiction from the version as set up in the FIR. It is also submitted that the petitioner herein has been charged under Section 354-A

of Indian Penal Code and Section 12 of POCSO Act and the maximum sentence under Section 12 of POCSO Act would be three years whereas, the petitioner herein has been in custody for almost nine months. It is also contended that out of total 09 witnesses, both the material witnesses i.e. the complainant and the victim have been examined, 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, however, does not dispute the fact that both the complainant and the victim 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 16.11.2017 and that both the material witnesses i.e. the complainant and the victim have 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 31, 2018
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No