

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

Crl. Misc. M-207 of 2018 (O&M)
Date of Decision: February 26, 2018

Bohna @ Gagandeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. S.S. Grewal, Advocate
for the petitioner.

Mr. A.S. Sandhu, Addl. AG 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.63 dated 30.04.2015, under Sections 376(2)(g), 323, 235, 148, 149, 120-B of Indian Penal Code and Sections 66, 67 of Information and Technology Act, registered at Police Station Bagha Purana, District Moga.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 06.10.2017. It is submitted that the petitioner has been falsely implicated in the present case. It is argued that earlier the petitioner was arrested by the police and subsequently, granted bail by the court. However, due to unavoidable circumstances, the petitioner could not attend the trial court proceedings and

was declared as proclaimed offender by an order dated 17.05.2017. It is also contended that the main accused-Jaswant Singh had been acquitted of the charges under Sections 376(2)(g), 148, 120-B of Indian Penal Code and Section 67 of Information and Technology Act and was only convicted under Section 325, 323 of Indian Penal Code, on account of the fact that the prosecutrix turned hostile.

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 arguing that the offences alleged against the petitioner are serious in nature.

I have heard learned counsel for the parties.

In view of the facts that the petitioner herein has been in custody since 06.10.2017 and that conclusion of trial is likely to take sufficient time, 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.

February 26, 2018

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**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No