

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

Crl. Misc. M-22129 of 2018 (O&M)
Date of Decision: May 29, 2018

Balvir Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. O.P. Kamboj, Advocate
for the petitioner.

Mr. Nikhil K. Chopra, 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.130 dated 28.09.2017, under Sections 376, 323, 34 of Indian Penal Code, registered at Police Station Mamdot, District Ferozepur.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 22.12.2017. It is submitted that the petitioner has been falsely implicated in the present case. It is argued that both the prosecutrix (PW1) and the eye-witness (PW2) have appeared in the court and not supported the case, as set up by the prosecution, while submitting that the petitioner herein never committed rape upon the prosecutrix. It is also contended that 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, however, is not in a position to controvert the fact that the prosecutrix and the eye-witness have turned hostile.

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 22.12.2017 and that both the prosecutrix and the eye-witness have turned hostile and did not support the prosecution version, 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.

May 29, 2018

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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No