

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

Crl. Misc. M-22591 of 2018 (O&M)
Date of Decision: August 23, 2018

Ashok Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Dinesh Trehan, Advocate for
Mr. Munish Puri, 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.41 dated 30.05.2016, under Sections 363, 366-A of Indian Penal Code (Section 376 of IPC added later on) and Section 4 of POCSO Act, registered at Police Station Division No.1, District Pathankot.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 18.06.2016. It is submitted that an application under Section 319 Cr.P.C. has been allowed summoning the additional accused, and therefore, the trial has commenced *de novo*. It is also contended that statement of the prosecutrix has been recorded, after the said application was allowed and therefore, there is

little scope of the petitioner influencing or intimidating any of the material witnesses. It is also submitted 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 the Investigating Officers, opposes the grant of regular bail to the petitioner. However, does not dispute the fact that statement of the prosecutrix has been recorded, after the application under Section 319 Cr.P.C. has been allowed.

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 18.06.2016 and that statement of the prosecutrix has since been recorded, 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.

August 23, 2018

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**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No