

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

Crl. Misc. M-23760 of 2018 (O&M)
Date of Decision: July 02, 2018

Jaspal Singh and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. N.S. Dhandiwal, Advocate
for the petitioners.

Mr. V.G. Jauhar, 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 petitioners in case FIR No.79 dated 28.07.2017, under Sections 376, 506, 34 of Indian Penal Code and Section 8 of POCSO Act registered at Police Station Sadar Moga.

Learned counsel for the petitioners contends that the petitioners herein were taken into custody in the aforesaid FIR on 01.08.2017. It is argued that the allegations as set out in the FIR are patently false since, the prosecutrix and her mother have not supported the case of the prosecution and turned hostile. It is also contended that conclusion of trial will take sufficient time, therefore, the petitioners are 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 petitioners, while submitting that offences alleged against the petitioners are serious in nature. However, does not dispute the fact that both the prosecutrix and her mother 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 that the petitioners herein have been in custody since 01.08.2017 and that prosecutrix and her mother have turned hostile and did not support the prosecution version, no useful purpose would be served in keeping the petitioners behind bars. At this stage, without commenting on the merits of the case, the instant petition is allowed and the petitioners are directed to be released on regular bail on execution of adequate personal bonds and surety bonds to the satisfaction of concerned trial Court/Duty Magistrate.

July 02, 2018
seema

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No