

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

216

**Crl. Misc.M-301 of 2018
Date of Decision: 03.08.2018**

Jarnail Singh @ Jelly

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr.Gurcharan Dass, Advocate
for the petitioner.

Ms.Rajni Gupta, Senior DAG Punjab

Mr.Munish Behl, Advocate for
Mr.Pankaj Bali, Advocate
for the complainant

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of interim bail to the petitioner in case FIR No.224 dated 22.10.2014, under Sections 313 & 506 of Indian Penal Code (originally under Sections 363,364,376,376-D,506,313,328,120-B IPC and 66E of Information Technology Act, 2000) registered at Police Station Phase-1, SAS Nagar, Mohali.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 19.04.2017 and has now been charged with only Sections 313 and 506 IPC, whereas he has been exonerated by the police in offence under Sections 363,364,376,376-D,328 and 120-B IPC and 66E of the Information Technology Act, 2000. It is also argued that there is a SIT report in which all allegations that have been

raised by the complainant have been stated to be false. It is also contended that out of 16 witnesses that have been summoned only the statement of the prosecutrix, has been recorded and conclusion of trial will take sufficient time, therefore, the petitioner is entitled to be enlarged on bail.

Per contra, learned counsel for the complainant submits that the petitioner herein has been involved in offences under Sections 363,364,376 and 376-D IPC along with other sections. It is also argued that an application under Section 319 Cr.P.C has been filed and allowed summoning the co-accused and charges have yet to be framed therein. It is also submitted that an application has been filed seeking to amend the charges against the petitioner herein and that is why the interim bail ought not be allowed to the petitioner.

Learned counsel appearing on behalf of the respondent-State submits that an application has been preferred for amending the charges against the petitioner herein, while also submitting that the offences alleged against the petitioner are serious in nature. However, she does not dispute the fact that out of 16 witnesses that have been summoned the statement of the prosecutrix, who is the material witness has been recorded.

I have heard learned counsel for the parties and perused the record.

Since, the trial is likely to take some time and in view of the facts that the petitioner herein has been in custody since 19.04.2017, and that out of total 16 witnesses only one witness has 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 interim bail on

execution of adequate personal bond and surety bond for a sum of Rs.5 lacs to the satisfaction of concerned trial Court/Duty Magistrate. It is also made clear that in case the petitioner herein is charged under Sections 376, 376-D IPC then the interim bail granted to the petitioner shall stand vacated and the petitioner shall surrender. The petition stands disposed of, leaving it open to the complainant to also invoke jurisdiction revoking the interim bail granted to him in case the application filed under Section 216 Cr.P.C. stands allowed.

(JAISHREE THAKUR)
JUDGE

03.08.2018

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Whether speaking/reasoned
Whether reportable-

Yes/No.
Yes/No