

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

Crl. Misc. M-30751 of 2018 (O&M)
Date of Decision: July 27, 2018

Puneet Mahajan

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Yesh Paal Malik, Advocate
for the petitioner.

Ms. Seena Mand, DAG Punjab assisted by
ASI Vimal Kumar.

Complainant in person.

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.28 dated 04.03.2015, under Sections 376-D, 452, 386, 506 of Indian Penal Code and Section 4 of POCSO Act, registered at Police Station Division No.2, Pathankot.

Learned counsel for the petitioner contends that the petitioner herein has been falsely implicated in the present case. It is submitted that in fact, the petitioner and the prosecutrix have solemnized a marriage on 19.03.2017 and were residing together till such time, that the petitioner herein was arrested.

The prosecutrix herself is present in the court today (as identified by ASI Vimal Kumar, Investigating Officer) and she states that she has in fact, solemnized a marriage with the petitioner herein and had sought protection from the Sessions Court, Pathankot and she is at her matrimonial home at Pathankot.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from ASI Vimal Kumar, Investigating Officer, opposes the grant of regular bail to the petitioner, while submitting that the offences alleged against the petitioner are serious in nature. On the asking of the court, learned State counsel submits that investigation is complete and the challan is likely to be presented in the court.

I have heard learned counsel for the parties.

Since, the trial is likely to take some time and in view of the statement made by the complainant and the fact that investigation is complete and the challan is likely to be presented, 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.

July 27, 2018
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No