

**214 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-30770-2018

Date of decision: 11.09.2018

Davinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Rishu Mahajan, Advocate,
for the petitioner.

Ms. Rajni Gupta, Sr. DAG, Punjab.

JAISHREE THAKUR, J. (ORAL)

This is a petition that has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 123 dated 01.06.2017 under Sections 363/366/ 376 IPC and Section 6 of POCSO Act, registered at Police Station Sultanwind, District Amritsar.

Learned counsel appearing on behalf of the petitioner would contend that the allegations as set out in the FIR are false as would be evident from the statement made by the complainant that the prosecutrix travelled with the petitioner from 27.05.2017 and was only recovered on 02.06.2017. It is also argued that statement of the material witnesses has since been recorded and the trial is likely to take some time to conclude. He further submits that the petitioner has been in custody since 02.06.2017.

Ms. Rajni Gupta, learned Sr. DAG, Punjab opposes the grant of regular bail, however, does not dispute the fact that statement of the

material witnesses has since been recorded and the prosecutrix has only stated in her statement that she has only travelled with the petitioner on 27.05.2017 and was only recovered on 02.06.2017.

I have heard learned counsel for the parties.

In view of the fact that statement of the material witnesses has since been recorded and the fact that the petitioner has been in custody since 02.06.2017, trial is likely to take some time to conclude, there would be no useful purpose served in keeping the petitioner in custody. The present petition is allowed. Without expressing any opinion on merits of the case, the petitioner is ordered to be released on regular bail on furnishing bail bonds and surety bonds to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, concerned subject to following terms:-

- (i) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (ii) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the accused shall have to apply for bail afresh before the trial Court.
- (iii) He shall not leave the country without the previous permission of the Court.

11.09.2018

Satyawan

Whether speaking/reasoned

Whether reportable

(JAISHREE THAKUR)
JUDGE

Yes.

No.