

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

Crl. Misc. M-31553 of 2018 (O&M)
Date of Decision: August 02, 2018

Vikrant Singh @ Vicky

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. A.S. Jawandha, 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.119 dated 08.06.2017, under Sections 363, 366-A, 328, 342, 506, 376-D of Indian Penal Code, Sections 25/27 of Arms Act and Sections 3/4, 17 of POCSO Act, registered at Police Station Civil Lines Patiala, District Patiala.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 28.07.2017. It is submitted that a reading of statement of the complainant in the challan would reflect that no offence under Section 376 of Indian Penal Code has been made out against him. In fact, a categoric statement has been made that the petitioner herein did not commit the offence of rape upon her. It is also contended that out of total 26 witnesses, statement of the prosecutrix has

since been recorded and 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 Officer, opposes the grant of regular bail to the petitioner. However, she admits that statement of the complainant has been recorded, but cross-examination is still left.

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 28.07.2017 and that statement of the complainant has been recorded and only her cross-examination is to be recorded, apart from keeping in view the categorical statement made by the complainant that no offence of rape was committed upon her by the petitioner, 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 02, 2018
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No