

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

Crl. Misc.M- 31633-2018 (O&M)
Date of Decision: August 01, 2018

Balbir Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Vikas Gupta, 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.59 dated 07.06.2017, under Sections 363, 366-A of Indian Penal Code and Section 4 of the POCSO Act (deleted later on) and later added on Section 8 of the POCSO Act, registered at Police Station Sarhali, Tarn Taran.

Learned counsel for the petitioner herein would contend that at the time of the complainant namely the prosecutrix Manpreet has already suffered a statement under Section 164 Cr.P.C. before ACJM-Tarn Taran on 21.06.2017 stating that she does not know Balbir Singh-the petitioner herein. However, further reading of the statement would reveal that her father was proposing her to marry an older person, having accepted money

from that person as well.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 08.06.2017. It is submitted that the petitioner has been falsely implicated in the present case . It is also contended that the investigation in the matter is complete 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 and complainant, oppose the grant of regular bail to the petitioner, while submitting that offences alleged against the petitioner are serious in nature ,however, they do not dispute the fact that the challan has been presented and the matter has been investigated completely and at present the prosecutrix is residing with her parents.

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 petitioner herein has been in custody since 08.06.2017 and that the investigation in the matter is complete and the challan has been presented, no useful purpose would be served in keeping the petitioner behind bars. At this stage, without expressing any opinion on the merits of the case, the instant petition is allowed, keeping in mind the statement that has been suffered by the prosecutrix under Section 164 before the ACJM Tarn Taran as well as the fact that she is residing with her parents and the petitioner herein would not be in a position to influence her. Therefore, 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 01, 2018
seema

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No