

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

CRM-M-3223-2018 (O&M)
Date of decision : 26.03.2018

Gulshan Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

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

Ms. Sudeepti Sharma, Addl.A.G., Punjab
assisted by ASI Mitter Mann Singh.

Mr. G.S. Salana, Advocate,
for Mr. F.S. Virk, Advocate,
for the complainant.

JITENDRA CHAUHAN, J. (Oral)

The instant petition has been preferred under Section 439 Cr.P.C. seeking bail in FIR No.53 dated 08.07.2016, registered under Sections 377 and 506 of the Indian Penal Code and Sections 3, 4, 6 and 9 of the Protection of Children from Sexual Offences Act, at P.S. Sadar, Batala, Police District Batala, District Gurdaspur.

Contents that the petitioner has been falsely implicated in the instant case. The FIR has been registered at the instance of a local MLA, who owns the school in question and is a complainant in another FIR registered against the petitioner. No MLR was carried out upon the victim immediately after the alleged incident. The complainant, namely, Reena Kumar, already stands examined. The petitioner is in custody since 09.07.2016.

On the other hand, learned State counsel, on instructions,
submits that the trial is in progress and out of 11 prosecution witnesses, 2

have been given up, whereas, 1 stands already examined.

Heard.

The petitioner is in custody since 09.07.2016. The complainant already stands examined. The conclusion of trial may take considerable time as eight prosecution witnesses still remain unexamined.

In view of the above, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on furnishing bail bonds and surety bonds, to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

However, anything noticed hereinabove shall not be construed as an expression of opinion on the merits of the case.

26.03.2018

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No