

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

Crl. Misc.M- 33911-2018 (O&M)

Date of Decision: August 14, 2018

Kanwaljeet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Karanjeet Singh Brar, Advocate
for the petitioner.

Ms. Rajni Gupta, Sr. 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. 23 dated 24.03.2015, under Sections 363, 366, 376, 506, 34 of Indian Penal Code and Section 3 and 4 of the POCSO Act, 2012, registered at Police Station City Malout, District Sri Muktsar Sahib.

Learned counsel for the petitioner would contend that in the statement recorded under Section 164 Cr.P.C., the prosecutrix had clearly mentioned that she wanted to marry one Gurmangat Singh and after investigation, the petitioner herein along with Nirmal Singh had been found innocent. It is subsequent thereto that an application under Section 319 Cr.P.C. was filed and the petitioner along with Nirmal Singh was summoned to face the trial. It is contended that the said Nirmal Singh approached this Court by way of CRM-M-775-2018 seeking anticipatory bail and was allowed anticipatory bail by taking note of the fact that he had

been summoned to face trial after having been found to be innocent. Learned counsel for the petitioner further contends that the petitioner herein was taken into custody in the aforesaid FIR on 28.02.2018 and claim parity with the co-accused, who had been granted anticipatory bail on the same set of allegations and that the 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, while submitting that offences alleged against the petitioner are serious in nature, however, she is not able to distinguish the case of the petitioner from the co-accused Nirmal Singh, who was also summoned under Section 319, after having been found innocent.

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 28.02.2018 and that co-accused Nirmal Singh had also been granted anticipatory bail, after having been summoned under Section 319, 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 14, 2018
seema

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No