

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

**Crl. Misc. No.M-34940 of 2018
Date of decision : 20.08.2018**

Gulshan Kumar

.....Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Raj Kumar Gupta, Advocate
for the petitioner.

Mr. Jagmohan Ghumman, DAG, Punjab.

ANITA CHAUDHRY, J(ORAL)

The petitioner is seeking regular bail in FIR No. 41 dated 23.05.2018, registered under Sections 354, 354-D, 506, 34 IPC and Sections 8/12 of the POCSO Act, Police Station City Banga, District Nawanshahar (SBS Nagar).

Counsel for the petitioner contends that the petitioner is in custody since 16.06.2018 and investigation is over and challan has been presented.

The State counsel informs that the girl had refused to make her statement under Section 164 Cr.P.C. and there is no MLR.

Counsel for the petitioner refers to the FIR and urges that the victim had not disclosed what obscene act was committed and she refused to make her statement before the Magistrate and there is no MLR and in fact the victim was after him and they have placed on record the letters written by her.

The investigation is over and challan has been presented. The trial would take time to conclude. Without commenting upon the merits of the case, the petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal and surety bonds to the satisfaction of trial Court/Duty Magistrate.

20.08.2018

sunil

(ANITA CHAUDHRY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No