

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

Crl. Misc .M-34804 of 2017 (O&M)
Date of Decision: January 19, 2018

Sachin and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. N.S. Dhull, Advocate
for the petitioners.

Mr. A.S. Sandhu, Addl. AG Punjab.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioners in case FIR No.93 dated 06.06.2015, under Sections 354 of Indian Penal Code and Section 12 of POCSO Act (offence under Section 376 of IPC added later on) registered at Police Station Dharamkot, District Moga.

Learned counsel for the petitioners contends that the petitioners herein were taken into custody in the aforesaid FIR on 28.07.2017. It is submitted that the petitioners are falsely implicated in the present case. It is argued that out of total 12 witnesses, two witnesses have examined i.e. the prosecutrix and her sister-in-law and in their statements, they have turned hostile and did not support the version, as set out by the prosecution. It is

also contended that it will take some time to conclude the trial, therefore, the petitioners are entitled to be enlarged on bail.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from Investigating Officer, opposes the grant of regular bail to the petitioners, however, does not dispute the fact that both the prosecutrix and her sister-in-law have turned hostile.

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 petitioners herein are in custody since 28.07.2017 and that both the prosecutrix and her sister-in-law have turned hostile and did not support the prosecution version, no useful purpose would be served in keeping the petitioners behind bars. At this stage, without commenting on the merits of the case, the instant petition is allowed and the petitioners are 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.

January 19 , 2018

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(JAISHREE THAKUR)

JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No