

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

CRM-M- 35760-2018

Date of decision: 29.08.2018

Kamini @ Jyoti

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Bhanu Pratap Singh, Advocate, for
Mr. Vipul Dharmani, Advocate,
for the petitioner.

Ms. Seena Mand, DAG, Punjab.

JAISHREE THAKUR, J. (ORAL)

This is a petition that has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 46 dated 15.05.2017 under Sections 366-A, 376, 109 IPC and Sections 4 & 5 of Im,moral Traffic (Prevention) Act, 1956 and Sections 6 & 17 of POCSO Act, registered at Police Station Anandpur Sahib, District Ropar, Punjab.

Learned counsel for the petitioner contends that the petitioner herein has been in custody since 31.03.2018 and the main accused has been released on bail by this Court vide order dated 26.07.2018. It is submitted that the petitioner has been falsely implicated in the present case. It is also contended that out of total 18 witnesses, 07 witnesses have been examined, including the minor victim 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, opposes the grant of regular bail to the petitioner, while submitting that the offences alleged against the petitioner are serious in nature. However, she does not dispute the fact that the material witnesses, including the minor victim, have been examined and that the main accused has been released on bail.

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 petitioner herein has been in custody since 31.03.2018; main accused has been released on bail, and that material witnesses, including the minor victim have been examined, 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.

29.08.2018

Satyawan

Whether speaking/reasoned

Whether reportable

(JAISHREE THAKUR)
JUDGE

Yes.

No.