

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

Crl. Misc. M-36745 of 2017 (O&M)
Date of Decision: March 27, 2018

Nihal Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. T.S. Sangha, Senior Advocate with
Mr. J.S. Lalli, Advocate
for the petitioner.

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 petitioner in case FIR No.92 dated 08.05.2017, under Section 376/34 of Indian Penal Code, registered at Police Station Kotwali Bathinda, District Bathinda.

Affidavit of Davinder Singh, PPS, DSP is taken on record, which would show that the prosecutrix is also known by the name Ashu, Anmol Kaur and Ramanpreet Kaur daughter of Rajveer Singh.

Learned Senior counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 02.08.2017. It is submitted that the allegations as set out in the FIR are not sustainable. Moreover, there is considerable delay in filing of the FIR. It is also

contended that examination-in-chief of the prosecutrix stands recorded and only her cross-examination is to be conducted 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 the respondent-State opposes the grant of regular bail to the petitioner, while submitting that an application has been moved for amending the section under the FIR.

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 02.08.2017 and that statement of the prosecutrix has been partly recorded, 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. However, in case, any application is moved for amending the section and adding Section 376(D) of IPC and the same is allowed, the respondent-State is at liberty to proceed in accordance with law.

March 27, 2018

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**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No