

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-39281-2018

Date of decision: 13.09.2018

Gagandeep Singh @ Ghula

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. G.B.S. Gill, Advocate,
for the petitioner.

Ms. Rajni Gupta, Sr. 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.283 dated 29.10.2017 under Sections 363, 366-A IPC, registered at Police Station Raman, District Bathinda.

Learned counsel appearing on behalf of the petitioner would contend that the petitioner has been falsely implicated in the said FIR. He has been in custody since 09.11.2017. It is also contended that in the statement that was recorded under Section 164 Cr.P.C. the prosecutrix has stated that she had left her home at her own freewill. In this background, he prays for grant of bail to the petitioner.

Ms. Rajni Gupta, learned Sr. DAG, Punjab. opposed the grant of regular bail while submitting that the allegations are serious in nature, however, does not dispute the statement made by the prosecutrix under

Section 164 Cr.P.C. to the effect that she had left her home at her own freewill.

I have heard learned counsel for the parties.

In view of the fact that the petitioner herein has been incarcerated since 09.11.2017 and in the statement that was recorded under Section 164 Cr.P.C. the prosecutrix has stated that she had left her home at her own freewill, the present petition is allowed. Without expressing any opinion on merits of the case, the petitioner is ordered to be released on regular bail on furnishing bail bonds and surety bonds to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, concerned subject to following terms:-

- (i) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (ii) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the accused shall have to apply for bail afresh before the trial Court.
- (iii) He shall not leave the country without the previous permission of the Court.

13.09.2018

Satyawan

Whether speaking/reasoned

Whether reportable

(JAISHREE THAKUR)
JUDGE

Yes.

No.