

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

Crl. Misc. M-40048 of 2018 (O&M)
Date of Decision: October 26, 2018

Gurpeet Singh alias Happy

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. B.S. Jolly, Advocate
for the petitioner.

Ms. Rajni Gupta, Senior DAG Punjab.

Mr. S.K. Banga, Advocate
for the complainant.

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.30 dated 26.05.2015, under Sections 376, 506 of Indian Penal Code and Section 3 & 4 of SC and ST Act, registered at Police Station Khilchian, District Amritsar.

Learned counsel for the petitioner herein contends that the petitioner has been falsely implicated in the present case. It is submitted that statement of the material witness i.e. the prosecutrix has been recorded, in which she has not supported the case of the prosecution and turned hostile. It is also contended that conclusion of trial will take sufficient time,

therefore, the petitioner is entitled to be enlarged on bail.

Learned counsel appearing on behalf of the complainant submits that the matter stands compromised between the parties and he has no objection, in case, regular bail is granted to the petitioner.

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. However, does not dispute the fact that the prosecutrix has 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 petitioner herein has been in custody and that statement of the material witness i.e. the prosecutrix has been recorded, in which she has turned hostile and did not support the prosecution version, 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.

October 26, 2018

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**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No