

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

Crl. Misc.M- 40768-2018 (O&M)

Date of Decision: September 20, 2018

Rakesh Kumar alias Neetu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. P.S. Ahluwalia, Advocate
for the petitioner.

Ms. Rajni Gupta, Sr. DAG, Punjab.

Mr. Zubin Chhura, 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.378 dated 11.12.2017, under Sections 363, 364, 365, 366-A, 376, 506, 120-B, 342, 347, 195-A, 34 of Indian Penal Code and Sections 3 and 4 of the POCSO Act, registered at Police Station Sultanpur Lodhi, District Kapurthala.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 14.05.2018. It is submitted that the petitioner has been falsely implicated in the present case. It is also contended that the co-accused Rajiv Dhir has been allowed bail by this Court and that 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 and complainant, oppose the grant of regular bail to the petitioner, while submitting that offences alleged against the petitioner are serious in nature, however, she does not dispute the fact that the co-accused Rajiv Dhir has been granted bail by this Court.

I have heard learned counsel for the parties.

Since, the trial is likely to take some time and in view of the facts that that the petitioner herein has been in custody since 14.05.2018 and a reading of the FIR reflects no such overt action against the petitioner and the main accused named in the FIR has been allowed bail by this Court, no useful purpose would be served in keeping the petitioner behind bars. At this stage, without expressing any opinion 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.

September 20, 2018

seema

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No