

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

Crl. Misc. M-40666 of 2017 (O&M)
Date of Decision: August 03, 2018

Sagar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. R.S. Rana, Advocate
for the petitioner.

Ms. Seena Mand, DAG 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.246 dated 08.09.2016, under Sections 363, 366-A, 376-D, 376 of Indian Penal Code and Sections 3/4/6 of POCSO Act, registered at Police Station City Khanna, Ludhiana.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 13.09.2016. It is submitted that the petitioner has been falsely implicated in the present case. It is argued that it has come in the court statement of the prosecutrix that she had left home voluntarily and in fact, called the petitioner to meet her at the bus stand and thereafter, left in his company. It is also contended that out of

total 13 witnesses, 04 witnesses, including the complainant and the prosecutrix, have been examined 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, however, does not dispute that complainant and the victim have been examined.

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 13.09.2016 and that complainant and the prosecutrix have already 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.

August 03, 2018

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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No