

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

Crl. Misc. M-41973 of 2017 (O&M)
Date of Decision: February 08, 2018

Gian Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Ashish Aggarwal, Advocate
for the petitioner.

Mr. M.S. Nagra, AAG Punjab.

JAISHREE THAKUR, J. (Oral)

The instant second petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.82 dated 03.07.2017, under Sections 376, 120-B of Indian Penal Code (Section 3/4 of SC and ST Act added subsequently), registered at Police Station Goindwal Sahib, District Tarn Taran.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 21.08.2017. It is submitted that the petitioner is falsely implicated in the present case. It is argued that the allegations as set out in the FIR are not sustainable, as the prosecutrix aged 27 years had remained in a relationship with the petitioner herein for over a period of two years and it is only thereafter that the instant

FIR came to be registered. It is further submitted that the FIR has been lodged with the motive for getting the petitioner to marry her. It is also contended that the statement of the prosecutrix has been recorded, therefore, the petitioner is entitled to be enlarged on bail.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from SI Thaman Singh, opposes the grant of regular bail to the petitioner, while submitting that the offences alleged the petitioner are heinous in nature. However, he does not dispute the fact that statement of the prosecutrix has been recorded.

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 21.08.2017 and that the statement of the prosecutrix has already been 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.

February 08, 2018

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**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No