

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

CRM-M-44178-2018 (O&M)

Date of Decision: October 16, 2018

Davinder Singh @ Billa

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Madan Lal Saini, Advocate
for the petitioner.

Mr. R.S. Khaira, AAG, 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. 46 dated 15.05.2017, registered under Sections 120-B, 363, 366-A, 376(@)(i), 109, 506 of Indian Penal Code, Section 3, 4 and 17 of POCSO Act, 2012 and Sections 4 & 5 of Immoral Traffic Prevention Act, 1956 at Police Station Anandppur Sahib, District Rupnagar.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 22.09.2017. It is further contended that the petitioner has been falsely implicated in the present case. It is also contended that the name of the petitioner was not mentioned in the FIR and his name was added later on. It is further contended that the co-accused namely Jaswinder Singh and Kamini @ Jyoti

have already been granted regular bail by this Court vide orders dated 26.07.2018 and 29.08.2018 respectively. It is also contended that out of 24 witnesses material witnesses have been examined including the minor victim. It is also contended that the 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, oppose the grant of regular bail to the petitioner, while submitting that offences alleged against the petitioner are serious in nature, however, he does not dispute the fact that the matter has been investigated and material witnesses have been examined, including the minor victim.

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 22.09.2017 and that material witnesses have been examined including the minor victim and other co-accused have been released on bail, 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 16, 2018

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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No