

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

Crl. Misc. M 43640 of 2017 (O&M)
Date of decision: 16.1.2018

Samir @ Kaka @ Mintu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Kawaljyot Singh, Advocate,
for the petitioner.

Mr. A.S. Sandhu, Additional Advocate General, Punjab.

JAISHREE THAKUR, J. (Oral)

The petitioner herein has filed this petition under Section 439 of the Code of Criminal Procedure for grant of regular bail in case FIR No. 160 dated 11.7.2017, under Section 363 IPC and Section 12 of the POCSO Act (added later on) registered at Police Station Dera Bassi, District SAS Nagar.

It is contended by learned counsel for the petitioner that the petitioner has falsely been implicated in this case and he is in custody since 28.7.2017. It is submitted that initially the FIR was registered under Section 363 and 366-A IPC and Section 8 of the POCSO Act, but subsequently, the petitioner has only been charged under Section 363 IPC and Section 12 of the POCSO Act. It is further submitted that as per the medical examination report, no intercourse took place. The trial is likely to take some time as out of 13 witnesses, only one witness has been examined till date. No useful

purpose would be served by keeping the petitioner behind bars till the conclusion of the trial. Therefore, he prays that the petitioner be admitted to regular bail.

Learned counsel appearing on behalf of the respondent—State opposes the grant of regular bail, while submitting that the offence alleged against the petitioner is serious in nature.

Without going into the merits of the case and keeping in view the fact that the statement of only one witness out of 13 has been recorded and the trial is likely to take some time to conclude, the present petition is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds and surety bonds to the satisfaction of trial Court/Duty Magistrate, concerned.

16.1.2018
prem

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No