

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

**CRM-M- 44865-2018 (O&M)**

Date of Decision: October 15, 2018

Atma Singh and another

...Petitioners

Versus

State of Punjab

...Respondent

**CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR**

Present:- Mr. Anupam Gupta, Advocate  
for the petitioners.

Ms. Rajni Gupta, Sr. DAG, Punjab.

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**JAISHREE THAKUR, J. (Oral)**

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioners in case FIR No. 21 dated 03.04.2018 registered under Sections 376, 506, of the IPC, Section 5 and 6 of POCSO Act, 2012, Section 3(B)(iii) of SCST Act, 2016 and Section 75 of Juvenile Justice Act(Care and Protection of Children) Act, 2000 and Section 67 of the Information Technology Act, 2000 at Police Station Joga, District Mansa.

Learned counsel for the petitioners contends that the petitioners herein were taken into custody in the aforesaid FIR on 03.04.2018. It is submitted that the petitioners have been falsely implicated in the present case. It is also contended that challan has been presented and statement of the prosecutrix has been recorded in which she has turned hostile and did

not support the version of the prosecution and conclusion of trial will take sufficient time, therefore, the petitioners are 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 petitioners, while submitting that offences alleged against the petitioners are serious in nature, however, she does not dispute the fact that the challan has been presented and prosecutrix has turned hostile.

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 petitioners herein have been in custody since 03.04.2018 and that challan has been presented and statement of the prosecutrix has been recorded in which the prosecutrix has not supported the version of the prosecution, no useful purpose would be served in keeping the petitioners behind bars. At this stage, without commenting on the merits of the case, the instant petition is allowed and the petitioners are directed to be released on regular bail on execution of adequate personal bonds and surety bonds to the satisfaction of concerned trial Court/Duty Magistrate.

**October 15, 2018**

*seema*

**(JAISHREE THAKUR)**  
**JUDGE**

Whether speaking/reasoned  
Whether reportable

Yes/No  
Yes/No