

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

Crl. Misc. M-44692 of 2017(O&M)

Date of Decision: August 29, 2018

Vinod Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. P.K.S. Phoolka, Advocate
for the petitioner.

Ms. Rajni Gupta, Senior 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.95 dated 11.09.2017, under Sections 376, 354, 511, 342 of Indian Penal Code and Section 3 of POCSO Act, registered at Police Station City Rampura, District Bathinda.

Learned counsel for the petitioner contends that the allegations set out in the FIR are palpably false, while arguing that the statement of the prosecutrix has since been recorded, in which she has not supported the version of the prosecution and turned hostile. It is also submitted that 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 bail application, however, does not dispute the fact that the prosecutrix has turned hostile and did not support the prosecution version.

I have heard learned counsel for the parties.

Since, the trial is likely to take some time and in view of the fact that the prosecutrix has since been examined and did not support the prosecution version, 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 29, 2018
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No