

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

Crl. Misc. M-45650 of 2018 (O&M)
Date of Decision: December 05, 2018

Chamkaur Singh alias Sonu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Deepak Goyal, Advocate
for the petitioner.

Ms. Rajni Gupta, Senior DAG 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.126 dated 24.04.2017, under Sections 384, 376, 506 of Indian Penal Code (offence under Sections 419, 420, 376(2)(n), 354, 354-A, 354-D of Indian Penal Code and Sections 12 & 15 of POCSO Act, registered at Police Station City Sangrur, District Sangrur.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 06.05.2017. It is argued that the first bail petition has been dismissed by the Coordinate Bench on 16.02.2018 on the ground that the matter was fixed before the trial court for 27.02.2018 for recording the statement of the accused under Section 313 Cr.P.C. Learned Single Judge, keeping in view the stage of the trial, did not allow the regular bail. It is contended that the complainant

herein has moved an application seeking direction for further investigation, the despite the fact that the application under Section 319 Cr.P.C. already stands dismissed. It is submitted that in the said petition that has been filed, the matter stands adjourned to 11.03.2019 and the trial is not likely to conclude within a short span.

At this stage, Ms. Gagan Deep Kaur, Advocate puts in appearance on behalf of the complainant and files the power of attorney, which is taken on record and oppose the grant of regular bail to the petitioner along with learned State counsel. It is argued that first bail petition stood dismissed and there are no additional ground made out to allow regular bail to the petitioner.

I have heard learned counsel for the parties.

In view of the facts that the first bail petition stood dismissed primarily on the ground that the trial was likely to conclude, that the petitioner herein has been custody since 06.05.2017 and that all the prosecution witnesses have since been examined, 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.

December 05, 2018
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No