

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

Crl. Misc. M-45573 of 2017 (O&M)
Date of Decision: February 12, 2018

Salman Khan @ Lallu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Pardeep Bajaj, Advocate
for the petitioner.

Mr. A.S. Sandhu, Addl. AG 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.167 dated 22.05.2017, under Sections 363, 366-A of Indian Penal Code (offence under Section 376 of IPC and Section 4 of POCSO Act were added later on), registered at Police Station Focal Point, District Ludhiana City.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 28.05.2017. It is submitted that the petitioner is falsely implicated in the present case. It is argued that a reading of the statement of the prosecutrix recorded would reveal that the prosecutrix had travelled with the petitioner first to Delhi and thereafter to his native village at Bihar, where they stayed about 3-4 days.

In the cross-examination recorded, prosecutrix has also admitted to be in

love with the petitioner. It is also contended that out of total 17 witnesses, 03 material witnesses have been examined, including the prosecutrix and her father and 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 Investigating Officer, opposes the bail application, while submitting that the offences alleged against the petitioner are serious in nature, however, does not dispute the fact that statements of the prosecutrix and her father have been recorded.

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 28.05.2017 and that statement of material witnesses i.e. prosecutrix and her father have been recorded, 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.

Any opinion expressed hereinabove is only for the purpose of granting the regular bail and shall have no affect on the merit of the case.

February 12, 2018

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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No