

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

CRM-M-47958-2018

Date of decision: 02.11.2018

Jagjit Singh @ Satta

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. G.S. Sandhu, Advocate,
for the petitioner.

Ms. Rajni Gupta, Sr. DAG, Punjab.

JAISHREE THAKUR, J. (ORAL)

This is a petition that has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.53 dated 28.05.2018 under Sections 363, 366-A IPC, registered at Police Station Ajitwal, District Moga.

Learned counsel appearing on behalf of the petitioner would contend that the matter has been investigated and the challan has been presented. The petitioner herein has been in custody since 29.05.2018 and the trial is likely to take some time. He further submits that in the statement under Section 164 Cr.P.C., the prosecutrix has not attributed any overt act to the petitioner herein. In this background, he prays for grant of bail to the petitioner.

Ms. Rajni Gupta, learned Sr. DAG, Punjab, opposes the grant of regular bail while submitting that the allegations are serious in nature.

I have heard learned counsel for the parties.

In view of the averment made in the petition that the statement of the prosecutrix under Section 164 Cr.P.C. has been recorded in which she has not attributed any overt act to the petitioner and she left at her own free will; that the petitioner herein has been incarcerated since 29.05.2018, and the trial is likely to take some time to conclude, the present petition is allowed. Without expressing any opinion on merits of the case, the petitioner is ordered to be released on regular bail on furnishing bail bonds and surety bonds to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, concerned subject to following terms:-

- (i) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (ii) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the accused shall have to apply for bail afresh before the trial Court.
- (iii) He shall not leave the country without the previous permission of the Court.

However, any observations made herein above are only for the purpose of deciding regular bail and not to be construed as an observation made on the merits of the case.

02.11.2018

Satyawan

Whether speaking/reasoned

Whether reportable

(JAISHREE THAKUR)
JUDGE

Yes.

No.