

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

Crl. Misc. M-47277 of 2017 (O&M)
Date of Decision: February 28, 2018

Sukhdev Kumar alias Sukha

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Tarun Vir Singh Lehal, 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.63 dated 05.09.2017, under Section 376 of Indian Penal Code, registered at Police Station Tibber, District Gurdaspur.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 05.09.2017. It is submitted that the allegations as set in the FIR are not sustainable, on account of the fact that the petitioner and the prosecutrix were in a relationship. It is argued that the prosecutrix being major, was in a consensual relationship with the petitioner. It is also contended that out of total 13 witnesses, 05 witnesses have been examined, including the material

witnesses and the conclusion of trial is likely to 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 grant of regular bail to the petitioner, however, does not dispute the fact that out of total 13 witnesses, 05 witnesses have been examined, including the material witnesses.

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 05.09.2017 and that material witnesses have 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.

February 28, 2018

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**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No