

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

CRM-M- 54099-2018 (O&M)

Date of Decision: December 21, 2018

Dharminder

...Petitioner

Versus

State of Punjab and another

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Arjun Veer Sharma, Advocate
for the petitioner.

Ms. Rajni Gupta, Sr. 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. 98 dated 24.05.2018, under Sections 363, 366 of Indian Penal Code (Section 376 IPC added later on), registered at Police Station Sarabha Nagar, District Police Commissionerate.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 26.05.2018. It is submitted that the petitioner has been falsely implicated in the present case. It is also contended that in fact the material witness has since been examined in which she has admitted being in love with the petitioner herein and that the 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, oppose the grant of regular bail to the petitioner, while submitting that offences alleged against the petitioner are serious in nature, however, she does not dispute the fact that the material witness has since been examined and she has admitted that she was in relation with the petitioner herein and that out of total 17 witnesses 05 have been examined.

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 26.05.2018 and that the material witness has since been examined and she has admitted that she was in relation with the petitioner herein and that out of total 17 witnesses 05 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.

December 21, 2018

seema

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No