

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

CRM-M-54569-2018

Date of Decision: 14.12.2018

Gurpreet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr.B.S. Jatana, 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. 119 dated 13.07.2018, Sections 376, 120-B IPC, Sections 3 & 4 of the Prevention of Children from Sexual Offences Act, 2012 and Sections 363, 366-A IPC added lateron, registered at Police Station Sadar Mansa, District Mansa.

Learned counsel appearing on behalf of the petitioner would contend that a reading of the FIR would reflect that only role attributed to the petitioner herein would be that he helped the prosecutrix and one Lakha Singh in reaching Mansa. It is also argued that in the statement recorded there is no allegation of offence under Section 376 IPC as raised against the petitioner. The petitioner herein has been in custody since 16.07.2018.

Ms. Rajni Gupta, learned Sr. DAG, Punjab opposes the grant of

regular bail while submitting that the allegations against the petitioner are serious in nature. She further submits that the challan in the case has been presented and custodial interrogation of the petitioner would not be required.

I have heard learned counsel for the parties.

In view of the fact that the petitioner herein has been incarcerated since 16.07.2018, challan has been presented and custodial interrogation of the petitioner is not required, 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- (ii) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

14.12.2018

Satyawan

Whether speaking/reasoned

Whether reportable

**(JAISHREE THAKUR)
JUDGE**

Yes.

No.