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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-5972-2018

Date of decision-21.02.2018

Shankar Kumar

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: None for the petitioner.

Ms. Sudeepti Sharma, Addl.AG, Punjab assisted by
ASI Prem Lal.

JITENDRA CHAUHAN, J. (Oral)

By filing the present petition under Section 439 of the Code of Criminal Procedure, the petitioner has sought regular bail in case FIR No.126 dated 11.09.2016, registered under Sections 376 and 506 of the Indian Penal Code and Sections 3 and 4 of the Prevention of Children from Sexual Offences Act, 2012 at Police Station Division No.2, Distt. Ludhiana.

Custody certificate has been filed in the Court today and the same is taken on record. There is no representation on behalf of the petitioner.

Perused.

It is asserted in the petition that the petitioner has been falsely implicated in the present FIR. The victim and her mother have

already been examined. There is delay of four days in registering the FIR. The petitioner is in custody since 11.09.2016.

On the other hand, the learned State counsel opposes the prayer for grant of bail. She, on instructions, submits that the trial is in progress and out of 17 witnesses, 08 have already been examined.

I have heard learned counsel for the parties and perused the record.

The petitioner is in custody since 11.09.2016. The examination of victim as well as mother of the victim is a material circumstance in favour of the petitioner. Nine prosecution witnesses are yet to be examined, therefore, it can be safely inferred that the trial is not likely to be concluded in the near future, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on his furnishing bail bonds and surety bonds, to the satisfaction of the trial Court.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

(JITENDRA CHAUHAN)
JUDGE

21.02.2018

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No