

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

Crl. Misc. M-6007 of 2018 (O&M)
Date of Decision: March 01, 2018

Karan Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. A.S. Gill, 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.82 dated 01.05.2015, under Sections 306, 511, 376 of Indian Penal Code and Sections 3, 4 of POCSO Act, registered at Police Station Division No.6, Ludhiana.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 06.11.2017. It is submitted that the allegations as set out in the FIR and the charges that have been framed are not sustainable, on account of the fact that the prosecutrix herself admitted to be in love affair with the petitioner for the last 2 years and it was on account of refusal on the part of the petitioner to continue

with the same, she set herself ablaze. It is argued that in the enquiry that was held, the age of the prosecutrix was determined as 18 years, 07 months and 04 days (date of birth 27th September, 1996) and thus, she was a major. It is also contended that investigation is complete, as the challan has been presented and charges have been framed and 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 Investigating Officer, opposes the grant of regular bail to the petitioner, while submitting that the offences alleged against the petitioner are serious in nature.

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 06.11.2017 and that investigation is complete in the matter, as the challan has been presented and charges have been framed, 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.

March 01, 2018

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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No