

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

Crl. Misc. M-6874 of 2018 (O&M)
Date of Decision: February 28, 2018

Mahesh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Atul Lakhanpal, Senior Advocate with
Mr. Arjun Lakhanpal, Advocate
for the petitioner.

Mr. A.S. Sandhu, Addl. AG Punjab.

Mr. Anirudh Kush, Advocate
for the complainant.

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.50 dated 28.10.2017, under Sections 323, 377, 370, 497, 498-A, 506 of Indian Penal Code (offences under Sections 370, 497, 498-A of Indian Penal Code have been deleted as per challan), registered at Police Station Women, Panchkula.

Learned Senior counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 03.12.2017. It is submitted that the petitioner is falsely implicated in the present case. It is argued that a reading of the FIR would reflect that only offence under Section 323 of Indian Penal Code is made out. It is also submitted that a

further reading of the FIR would not reflect any allegation under Section 377 of Indian Penal Code, as it has been stated that the complainant had been given *danda* blow. It is also contended that the investigation is complete, as the challan has been presented and charges have been framed and it will take sufficient time to conclude the trial, 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 as well as learned counsel for the complainant, oppose the grant of regular bail to the petitioner, while contending the offences alleged against the petitioner are serious in nature. However, they do not dispute the fact that charges have been framed and the trial has commenced.

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 03.12.2017 and that the investigation is complete, 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.

February 28, 2018
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No