

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

Crl. Misc. M-698 of 2018 (O&M)

Date of Decision: May 18, 2018

Vijay Kushwaha

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Vishavjeet Singh, Advocate
for the petitioner.

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

Mr. Saurabh Kapoor, 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.190 dated 11.08.2017, under Sections 376, 506 of Indian Penal Code, registered at Police Station Sahenewal, District Ludhiana (Punjab)

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 14.10.2017. It is argued that the prosecutrix, in fact, is a minor and was in a consensual relationship with the petitioner and it is only when he refused to marry her, the instant FIR came to be lodged. It is also contended that all the material witnesses, including the prosecutrix, have been examined 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 offences alleged against the petitioner are serious in nature. However, does not dispute the fact that all the material witnesses, including the prosecutrix, 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 14.10.2017 and that all the material witnesses, including the prosecutrix 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.

May 18, 2018

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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No