

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

Crl. Misc.M- 7147-2018 (O&M)

Date of Decision: August 14, 2018

Mahinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Raman Goklaney, Advocate
for the petitioner.

Mr. Rajni Gupta, Sr. DAG, Punjab.

Mr. Inderjit Sharma, 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. 105 dated 16.10.2017, under Sections 376, 506, 34 of Indian Penal Code, (Section 376-D IPC added later on), registered at Police Station GRP Bathinda, Government Railway Police, Bathinda, District Bathinda.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 16.10.2017. It is submitted that the petitioner has been falsely implicated in the present case. It is also contended that the investigation in the said matter is complete and that the conclusion of trial will take sufficient time, therefore, the petitioner

is entitled to be enlarged on bail.

Learned counsel for the complainant did not oppose the grant of regular bail to the petitioner herein in view of above.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, while submitting that offences alleged against the petitioner are serious in nature, however, she does not dispute the fact that the statement of the material witness has been recorded and it is only the cross-examination, which is now pending.

I have heard learned counsel for the parties.

Since, the trial is likely to take some time and in view of the facts that that the petitioner herein has been in custody since 16.10.2017 and that the statement of the material witness i.e. the prosecutrix has been recorded and the investigation in the said matter is complete, 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.

August 14, 2018
seema

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No