

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

Crl. Misc. M-9391 of 2018 (O&M)
Date of Decision: March 26, 2018

Aalam @ Aftab Aalam

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Naresh Kumar, 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.175 dated 03.11.2016, under Sections 506, 34 of Indian Penal Code and Section 6 of POCSO Act, registered at Police Station City Gurdaspur, District Gurdaspur.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 20.09.2017. It is submitted that the petitioner herein is the uncle of one Shoyab, who is the main accused in the aforesaid FIR. In fact, Shoyab and the prosecutrix performed a marriage and a sum of ₹ 5 lacs was given as Mehar. After the said marriage, the prosecutrix has in fact re-married with someone else. It is

also argued that the prosecutrix is in the habit of blackmailing since, on a earlier occasion, she has also alleged the commission of offence under Section 376 of Indian Penal Code, but had resiled from the said statement. It is also contended that investigation is complete, as the challan has been presented, therefore, the petitioner is entitled to be enlarged on bail.

Per contra, learned counsel appearing on behalf of respondent-State, is not able to dispute the fact that the prosecutrix had in an earlier FIR resiled, which is based on the record and on instructions given by ASI Raj Mashih.

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 20.09.2017 and that investigation is complete, as the challan has been presented as far back as 17.11.2017, 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 26, 2018

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**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No