

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

Crl. Misc. M-9466 of 2018 (O&M)
Date of Decision: June 01, 2018

Sukhdeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Ms. Naseem Yadlapati, Advocate
for the petitioner.

Mrs. Anju Arora, Addl. AG Punjab.

Ms. Sarika Gupta, 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.108 dated 27.07.2017, under Section 376 of Indian Penal Code and Section 66-E of IT Act, registered at Police Station Balachaur, District SBS Nagar.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 29.07.2017. It is argued that in fact, both the petitioner and the prosecutrix were well known to each other, and therefore, allegation of Section 376 of Indian Penal Code is not sustainable. It is also contended that statement of the prosecutrix has already been recorded and there is very little likelihood of him being in a

position to influence any witness. It is submitted that 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 and counsel for the complainant oppose the grant of regular bail to the petitioner, while submitting that 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 29.07.2017 and that statement of the prosecutrix has been recorded, 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.

June 01, 2018

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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No