

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

Criminal Misc. No.M-9916-2018 (O&M)

Date of Decision: May 28, 2018.

RAKESH KUMAR @ RIMPI

..... PETITIONER

Versus

STATE OF PUNJAB

..... RESPONDENT

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. P.K.S. Phoolka, Advocate for the petitioner.

Mr. D.S. Sukarchakia, DAG, Punjab.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No.233 dated 20.11.2017 under Sections 354B, 342, 506, 323 of IPC, registered at Police Station Civil Lines, Bathinda, District Bathinda.

It is submitted that the petitioner has been falsely implicated in this case due to a grudge being held by the maternal uncle of the complainant, who is an ex-municipal councillor of the area. It is highly improbable that the petitioner could even have entered the house of the complainant's maternal uncle much less reach a room on the first floor thereon. Moreover, the prosecutrix/complainant has since testified before the learned trial Court. The petitioner, it is submitted, is not involved in any other criminal case and he undertakes not to misuse the

concession of bail, if afforded to him. It is thus prayed that this petition be allowed.

Learned counsel for the State, on instruction from HC Gurpreet Singh, verifies that the victim/complainant in this case has since testified before the learned trial Court. Learned counsel for the State, on instructions from HC Gurpreet Singh, confirms that the petitioner is not reported to be involved in any other criminal case. Six (6) out of eight (8) prosecution witnesses are yet to be examined. Trial in this case is not likely to conclude in the near future. There are no allegations on behalf of the State that the petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts before the Court, if released on bail. No useful purpose would be served by keeping the petitioner incarcerated any longer in the facts and circumstances of this case.

Keeping in view the facts and circumstances of the case but without commenting upon or expressing any opinion on the merits thereof, this petition is allowed. The petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety to the satisfaction of the learned Trial Court.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

May 28, 2018
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Whether speaking/reasoned
Whether reportable

(LISA GILL)
JUDGE

Yes/No
Yes/No