

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

CRM-M- 55729-2018 (O&M)

Date of Decision: December 20, 2018

Vikas

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Naveen Sharma, Advocate
for the petitioner.

Mr. B.S. Sewak, Addl. A.G., Punjab.

Mr. Gourav Goel, Advocate
for the complainant.

JAISHREE THAKUR, J. (Oral)

At the very outset learned counsel for the petitioner seeks permission to incorporate Section 366-A in the headnote and prayer clause of the petition which left out inadvertently.

He is allowed to make the necessary correction in the head note and prayer clause of the petition under his signatures in the Court itself.

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 94 dated 30.05.2018, under Sections 363, 366 and 366-A of Indian Penal Code,

registered at Police Station Division No.3, District Police Commissionerate, Ludhiana.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 29.05.2018. It is submitted that the petitioner has been falsely implicated in the present case . It is also contended that the statement of the prosecutrix has been recorded in which she has turned hostile and that the conclusion of trial will take sufficient time, therefore, the petitioner is entitled to be enlarged on bail.

At this stage, learned counsel for the complainant submits that in fact after the statement of the prosecutrix had been recorded, she went to reside with the parents of the petitioner however, now has been thrown out of the house of petitioner and currently residing with her own parents.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, oppose 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 prosecutrix has been recorded in which she has turned hostile.

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 29.05.2018 and that the statement of the prosecutrix has been recorded in which she herself has turned hostile and that in any case this Court find that there is no allegation of Section 376 made out, 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.

December 20, 2018

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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	Yes/No