

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-2702-2019

Date of Decision:-03.07.2019.

Labhu Singh @ Kashmiri Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Nitin Rathour, Advocate for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

RAJ SHEKHAR ATTRI, J.

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.087 dated 27.09.2018, registered under Sections 363, 366-A and 120-B IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012 at Police Station Sadar Moga, District Moga.

Learned counsel for the petitioner placed on record photocopy of the deposition of the minor prosecutrix wherein she has stated that she left the house with her own will and stayed in a Gurdwara and nothing has been happened to her. She categorically stated that she did not know the petitioner who was present in the court although she was declared hostile and public prosecutor also cross-examined her and nothing has been elicited to connect the accused with the crime.

Heard.

The petitioner is in custody since long. The trial of the case will take long time. No useful purpose will be served by keeping the petitioner in custody.

Without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner Labhu Singh @ Kashmira Singh is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the prior permission of the Court.

(RAJ SHEKHAR ATTRI)
JUDGE

July 03, 2019.

sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.