

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

227

CRM-M-28134-2019

Date of Decision:10.07.2019

Rahul @ Paga

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. Kunwar Rajan, Advocate,
for the petitioner.

Mr. Harpreet Singh Multani, AAG, Punjab.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.259 dated 10.11.2018 under Sections 363, 366-A, 376 IPC and Sections 3 & 4 of the Protection of Children from Sexual Offences Act, 2012, registered at Police Station Lambi, District Sri Muktsar Sahib.

Learned counsel for the petitioner has argued that the petitioner is in custody since 12.11.2018 and the prosecutrix has not supported the case of the prosecution and rather, declared hostile. He states that out of total 20 witnesses cited by the prosecution, only 01 witness has been examined. In this manner, trial in the case is not likely to be concluded in the near future. He further states that marriage of the prosecutrix was fixed for 19.11.2018 with one Gaurav. The allegation against the petitioner is that he has allured the prosecutrix on the pretext of marriage, so as to have

Learned State Counsel does not dispute the custody period of the petitioner. However, he states that the prosecutrix was about 17 years and 02 months as on relevant date. Apart from the fact that trial in the case is pending, the petitioner can be convicted on the basis of evidence of other witnesses.

Heard learned counsel for the parties.

Considering the fact that the petitioner is in custody since 12.11.2018 and the prosecutrix has not supported the case of the prosecution, culpability of the petitioner is yet to be established during the course of trial. Moreover, out of total 20 witnesses cited by the prosecution, only 01 witness has been examined so far and trial in the case is not likely to be concluded in the near future, this Court deems it appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of trial Court.

However, it is made clear that the observations made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall proceed with the trial independently without being influenced by the order of bail passed by this Court.

July 10, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No