

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

CRM-M-28987 of 2019.

Decided on:- December 05, 2019.

Sunny.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

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

Present:- Mr. Rishabh Gupta, Advocate for
Mr. Shrey Goel, Advocate
for the petitioner.

Mr. Sukhbeer Singh, A.A.G., 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.367 dated 27.07.2018 under Section 376 IPC as well as Section 4 of the Protection of Children from Sexual Offences Act, 2012 registered at Police Station Focal Point, Ludhiana.

Learned counsel for the petitioner states that the petitioner is in custody since 27.07.2018 and during the trial, the prosecutrix as well as the complainant, while appearing in the witness box, have not supported the case of the prosecution, rather, declared hostile.

Learned State counsel, on instructions from ASI Jaswant Lal, does not dispute the aforesaid fact.

I have heard learned counsel for the parties.

The petitioner is in custody since 27.07.2018. The prosecutrix and complainant have not supported the case of the prosecution. Therefore, when the culpability of the petitioner is yet to be decided during the trial, this Court deems it appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing adequate bail and surety bonds to the satisfaction of learned trial Court.

The observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case without being influenced with these observations in any manner.

December 05, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No