

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

CRM-M-1067-2020
Decided on : 20.01.2020

Kuldeep Singh @ Kulvir Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. G.S.Sandhu, Advocate
for the petitioner.

Ms. Devaki Anand Sullar, AAG, Punjab
assisted by ASI Sukhwinder Singh.

Manjari Nehru Kaul, J.

Instant petition has been filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.91 dated 02.06.2019 registered under Sections 376, 506 IPC and Sections 3 and 4 of POCSO Act at Police Station Lambi, District Sri Muktsar Sahib.

Learned counsel for the petitioner contends that both the material witnesses, who are the mother of the prosecutrix and the prosecutrix herself, have not supported the case of the prosecution and were declared hostile. It has further been contended that the petitioner is in custody since 02.06.2019.

Learned State counsel on instructions from ASI Sukhwinder Singh, has opposed the bail application and submitted that no doubt that the prosecutrix and her mother did not support the case of the prosecution and were declared hostile but there are serious and grave allegations against the petitioner.

Without commenting on the merits of the case and keeping in

view the fact that the petitioner is behind bars since 02.06.2019 and the trial is unlikely to be concluded in the near future, no useful purpose would be served by keeping the petitioner in custody, specifically when the prosecutrix has been declared hostile. In the circumstances, present petition is allowed and the petitioner is released on bail to the satisfaction of the trial court/Duty Magistrate concerned. However, it is clarified that nothing observed herein above would be construed as an expression on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

20.01.2020

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Whether speaking/reasoned:

Yes/No

Whether reportable :

Yes/No