

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

CRM-M- 3635 -2020 (O&M)

Date of Decision: January 31, 2020

Gagandeep Singh alias Gagana alias Gurwinder Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Brijeshwar Singh Bhalla, Advocate
for the petitioner.

Mr. Davinder Bir Singh, D.A.G., Punjab.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.155 dated 11.08.2019, under Sections 363, 366-A (later on added Section 376) Indian Penal Code and Section 3 and 4 of the POCSO Act, registered at Police Station Dharamkot, District Moga.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 12.08.2019. It is submitted that the petitioner has been falsely implicated in the present case. It is also contended that the allegations as set out in the FIR are not sustainable while further arguing that the statement of the prosecutrix has been recorded wherein she has not supported the version of the prosecution

and the conclusion of trial will take sufficient time, therefore, the petitioner is entitled to be enlarged on bail.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, while submitting that offences alleged against the petitioner are serious in nature, however, he does not dispute the fact that the statement of the prosecutrix has been recorded, wherein 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 12.08.2019 and the statement of the prosecutrix has been recorded wherein she has not supported the version of the prosecution, 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 bail on execution of adequate personal bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate.

January 31, 2020
seema

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No