

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

(Heard through VC)

CRM-M-20747-2020 (O&M)

Date of Decision: November 16, 2020

Mahesh Shukla alias Ravi alias Rinku Shukla

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Vipul Babuta, Advocate
for the petitioner.

Ms. Monika Jalota, DAG 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.27 dated 25.01.2020, under Sections 376, 506, 120-B, 34 of Indian Penal Code, registered at Police Station Moti Nagar, District Ludhiana.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 26.01.2020. It is argued that the allegations as set out in the FIR are patently false, as would be evident from the FSL report, which has been made available. It is also submitted that investigation is complete, as the challan has already been presented, however, charges have not been framed as yet because of limited working of the courts due to Covid-19 pandemic. It is also contended that

the prosecutrix, in the meantime, has expired, therefore, the question of influencing the prosecutrix would not arise, as such, the petitioner is entitled to be enlarged on bail.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from ASI Dhanwant Singh, opposes the grant of regular bail to the petitioner. However, she admits that FSL report has been received in the matter and that the prosecutrix has since expired.

I have heard learned counsel for the parties.

In view of the facts that the petitioner herein has been in custody since 26.01.2020; investigation is complete, as the challan has already been presented; FSL report has been received in the matter and that the prosecutrix has since expired, 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 regular bail on execution of adequate personal bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate.

However, anything observed or said by this court is only for the purpose of deciding the instant petition for grant of regular bail and the same shall have no affect on the merits of the case.

November 16, 2020

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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No