

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

CRM-M-39812-2019
Decided on : 24.01.2020

Punjab Singh

..... Petitioner

Versus

State of Punjab & anr.

..... Respondents

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Vikas Gupta, Advocate
for the petitioner.

Ms. Jaspreet Kaur, AAG, Punjab
assisted by SI Maan Lal.

Mr. Vaibhav Mittal, Advocate
for the complainant.

Manjari Nehru Kaul, J.

This is the second petition filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.136 dated 07.06.2014 registered under Section 376-D IPC at Police Station Bhikhiwind, District Tarn Taran.

Learned counsel for the petitioner contends that not only the complainant but also the father of the complainant did not support the case of the prosecution during trial. It has also been contended that during the trial, an application under Section 319 Cr.PC was also moved by the prosecutrix wherein she stated that due to history of previous rivalry, petitioner has been falsely implicated in the instant case. The petitioner is behind bars since 12.02.2018 and no useful purpose would be served by keeping the petitioner in custody.

On the other hand, learned State counsel has opposed the bail

application and on instructions from SI Maan Lal submitted that 12 out of 20 prosecution witnesses including the prosecutrix have been examined as on date and 4 are bound to be examined for the next date of hearing. She further submits that another 4 PWs have been given up by the court below.

Without commenting on the merits of the case and keeping in view the fact that the petitioner is in custody since 12.02.2018 and trial is unlikely to be concluded in the near future, no useful purpose would be served in keeping the petitioner in custody, specially when the prosecutrix stands examined. In the circumstances, present petition is allowed and the petitioner is admitted to 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

24.01.2020
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Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No