

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

CRM-M- 49164-2019 (O&M)

Date of Decision: February 11, 2020

Mohammad Rafi

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. G. N. Malik, Advocate
for the petitioner.

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

Mr. Kirat Pal Dhaliwal, Advocate
for the complainant.

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.58 dated 25.04.2019, under Sections 376, 376-D, 384, 328, 419, 506, 120-B Indian Penal Code, registered at Police Station Mataur, District SAS Nagar, Mohali.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 26.04.2019. 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 statements of material witnesses have been recorded and that 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, does not dispute the fact that the statements of the material witnesses have been recorded.

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 26.04.2019 and that out of 15 total witnesses 04 witnesses including the material witnesses have been examined, 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.

February 11, 2020
seema

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No