

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

CRM-M-50367-2019 (O&M)
Decided on : 12.02.2020

Manga Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Naresh Gopal Sharma, Advocate
for the petitioner.

Ms. Bhavna Gupta, DAG, Punjab.

Manjari Nehru Kaul, J.

CRM-4892-2020

For the reasons mentioned in the application, same is allowed and the statement of Gurpal Singh and Paramjit Kaur (Annexures P-3 and P-4) are taken on record subject to all just exceptions.

Main case

Instant petition has been filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.20 dated 13.04.2018 registered under Sections 363, 366 and 323 IPC (Sections 368, 376, 325, 148, 149 and 34 IPC were added later on) at Police Station Khalra, District Tarn Taran.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case as his name did not even find mentioned in the FIR in question and no allegation whatsoever was made against him in the said FIR. It has also been contended that the name

of the petitioner cropped up only in the supplementary statement made by the brother of the prosecutrix, which was recorded after 16 days of lodging of the FIR in question. It has also been urged that even in the statement recorded under Section 164 Cr.PC before the Court, the prosecutrix had not specifically named him except that the family members of the main accused had inflicted injuries on her brother.

On the other hand, learned State counsel while opposing the grant of regular bail to the petitioner does not controvert the said fact. He, on instructions from ASI Balwinder Singh submits that 10 out of 24 prosecution witnesses including the prosecutrix have been examined as on date.

Without commenting on the merits of the case and keeping in view the fact that the petitioner is behind bars since 18.05.2018 and the trial is unlikely to conclude in the near future, no useful purpose would be served in keeping the petitioner in custody. In the circumstances, present petition is allowed and the petitioner is admitted to bail to the satisfaction of the trial court/Duty Magistrate concerned.

(MANJARI NEHRU KAUL)
JUDGE

12.02.2020
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Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No