

CRM-M- 3814-2020 (O&M)

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

CRM-M- 3814-2020 (O&M)

Date of Decision: 07.09.2021

Arjan

... Petitioner

VERSUS

State of Punjab

.... Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present Mr. Gurpal Singh Sandhu, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG, 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 pending trial in FIR No.233 dated 02.12.2018, under Sections 376, 363, 366-A, 120-B IPC and Sections 3 and 4 of the POCSO Act, 2012 registered at Police Station City Malout, District Sri Muktsar Sahib.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case merely as the parties had run away in order to solemnize a marriage, however were apprehended. It is further contended that the petitioner herein is in custody since 28.12.2018. It is argued that the statement of the prosecutrix has been recorded. The material witnesses have already been examined and trial would likely to take time to conclude and there is no likelihood of the petitioner herein

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influencing them in any manner, 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 statement of the material witnesses have been recorded

I have heard learned counsel for the parties.

The trial is likely to take some time . The petitioner herein has been in custody since 28.12.2018, which is more than two years. Statements of the material witnesses including the prosecutrix have been recorded. No useful purpose would be served in keeping the petitioner behind bars any longer. 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 @ Rs. 01 Lac to the satisfaction of concerned trial Court/Duty Magistrate.

Other miscellaneous applications, if any, pending on date are disposed of accordingly.

07.09. 2021

seema

(JAISHREE THAKUR)

JUDGE

Whether speaking/reasoned

Yes

Whether reportable

No