

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

CRM-M No.12943 of 2021 (O&M)

Date of Decision: 25.08.2021

(Heard through VC)

Gautam alias Simbhu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. S.K.Choudhary, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

JAISHREE THAKUR, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.18 dated 06.02.2021 under Sections 363, 366 IPC registered at Police Station Division No.II, District Pathankot.

Counsel for the petitioner herein contend that the petitioner herein has been falsely implicated in the said matter. In fact, the girl had went away with the petitioner with her own consent. The investigation has been completed and the challan stands presented. The petitioner is in custody since 12.02.2021 and the trial is likely to take some time to conclude as out of 15 witnesses cited, none has been examined. The prosecutrix is in custody of her guardians and therefore, question of influencing her by the petitioner would not arise.

Learned counsel for the respondent-State would oppose grant of bail to the petitioner by contending that allegations levelled against him

are serious in nature, however, she does not dispute the fact that the investigation has been completed and the challan stands presented.

I have heard counsel for the parties. Keeping in view the fact that investigation has been completed and challan stands presented and the fact that the trial is likely to take some time to conclude as out of 15 witnesses cited, none has been examined, no useful purpose would be served in keeping the petitioner behind bars. The instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal/surety bond of Rs.1 lakh each to the satisfaction of concerned trial Court/Duty Magistrate. However, any observation made herein shall not be construed to be an expression on merits of the case. It is made clear that the petitioner would not enter into the locality of the prosecutrix and make any attempt to contact or threaten the complainant/prosecutrix in any manner whatsoever and in case of any default, the respondent-State will be at liberty to move an appropriate application for cancellation of bail granted to the petitioner.

August 25, 2021

Pankaj*

Whether speaking/reasoned

Whether reportable

(JAISHREE THAKUR)**JUDGE**

Yes/No

Yes/No