

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

CRM-M No.20331 of 2021 (O&M)

Date of Decision:09.07.2021

(Heard through VC)

Sukhjit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. P.S. Jammu, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

JAISHREE THAKUR, J. (ORAL)

This is a petition that has been filed for grant of regular bail to the petitioners in FIR No.29 dated 01.03.2020 registered under Sections 363, 366-A, 376DA, 506 IPC, Section 6 of the POCSO Act and Section 3 (1) 12 of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act at Police Station Khamano, District Fatehgarh Sahib.

Learned counsel for the petitioner herein would contend that the petitioner has been implicated falsely in the said FIR and is in custody since 18.09.2020. It is argued that the prosecutrix and other material witnesses namely her parents have been examined. They have not supported the prosecution version and have turned hostile. It is further argued that the trial is likely to take some time to conclude, as out of 36 witnesses cited, only 5 witnesses have been examined. Since material witnesses have already been examined, possibility of influencing them would not arise and therefore, prays for grant of concession of bail to the petitioner.

Learned counsel for the respondent-State opposes grant of bail to the petitioner by contending that the allegations levelled against him are serious in nature, however, she does not dispute the fact that the material witnesses have been examined, who did not support the prosecution versions.

I have heard learned counsel for the parties. Keeping in view the fact that the material witnesses have been examined, who did not support the prosecution version and the fact that the trial is likely to take some time to conclude as out of 36 witnesses cited only 5 witnesses have 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 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.

July 09, 2021
Pankaj*

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No