

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

CRM-M- 24670-2021 (O&M)

Date of Decision: 09.08.2021

(Heard through VC)

Rahul Kumar alias Pratham

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Amandeep Singh Manaise, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab

Mr. Gagandeep Singh Mankoo, 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 FIR No. 127 dated 22.09.2020 under Sections 363, 336, 452, 506, 120-B IPC and Sections 25,27 of Arms Act (Sections 376, 366-A, 343, 148, 149 IPC and Section 6 of the POCSO Act added later on) registered at Police Station Dorangla, District Gurdaspur.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the FIR. It is argued that no specific role has

been attributed to the petitioner and allegations are general in nature. It is also argued that the material witnesses have been examined and the prosecutrix has not supported the version of the prosecution. In fact she has turned hostile. Since the trial is likely to take some time to conclude, therefore, the custody of the petitioner would no longer be required.

Learned counsel for the respondent-State, on instructions from the Investigating Officer opposes grant of regular bail to the petitioner while pointing to the seriousness of allegations levelled against him, however, she does not dispute the fact that the prosecutrix has not supported the version of the prosecution.

I have heard learned counsel for the parties and have also perused the paper book. The trial is likely to take some time to conclude owing to present COVID-19 pandemic situation. The material witnesses have been examined and the prosecutrix has turned hostile. In the aforesaid facts and circumstances of the case, no useful purpose would be served in keeping the petitioner behind the bars any longer. The instant petition is allowed and the petitioner is directed to be released on regular bail on his execution of adequate personal/surety bonds 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.

09.08.2021

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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No