

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M- 26096-2021 (O&M)

Date of Decision: 22.09.2021

(Heard through VC)

Akshey Kumar

..... Petitioner

VERSUS

State of Punjab

.... Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present Mr. Paras Jagga, 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 in FIR No. 15 dated 13.02.2021, under Sections 363, 366-A IPC registered at Police Station Sadar Rajpura, District Patiala.

Learned counsel for the petitioner would contend that the petitioner herein has been falsely implicated in the present case as would be evident from the statement of the prosecutrix recorded under Section 164 Cr.P.C, wherein she has clearly stated that she went to different places with the petitioner herein but no act of rape has been committed upon her. It is contended that the petitioner herein is in custody since 16.02.2021. It is further argued that the prosecutrix is in the custody of her parents and the question of influencing her and the material witnesses would not arise. It is argued that the matter has been investigated and the challan stands

presented whereas the trial is likely to take time to conclude.

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.

I have heard learned counsel for the parties.

The trial is likely to take some time to conclude. The petitioner herein is in custody since 16.02.2021. The prosecutrix in her statement recorded under Section 164 Cr.P.C. is stated to have exonerated the petitioner of the allegations of kidnaping and rape. 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 and surety bonds to the satisfaction of concerned trial Court/Duty Magistrate.

Anything observed in this order shall not be construed as an expression of opinion on merits of the case.

22.09.2021

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**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes
No