

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

CRM-M No.26000 of 2020(O&M)

Date of Decision:01.09.2021

(Heard through VC)

Jaspal Singh @ Nikka

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Ms. Harpreet Kaur, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

JAISHREE THAKUR, J. (ORAL)

This is a petition that has been filed under Section 439 Cr.P.C. for grant of regular bail in case FIR No.212 dated 07.10.2019 under Sections 363, 366-A, 376 IPC and Section 4 of the POCSO Act registered at Police Station Dharamkot, District Moga.

Counsel for the petitioner herein would contend that the petitioner is in custody since 07.10.2019. As is evident from the affidavit of complainant(Annexure P-3), a compromise has been arrived at between the parties. In fact, a marriage of daughter of the complainant has been solemnized with the petitioner and she is residing in her matrimonial home. She is blessed with a child out of this marriage. It is further argued that the prosecutrix has been examined before the trial Court, who did not support the prosecution version.

Learned counsel for the respondent-State would oppose 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 the prosecutrix has turned hostile.

I have heard counsel for the parties. Keeping in view the fact that the prosecutrix has been examined, who did not support the case of the prosecution and the fact that the trial is likely to take some time to conclude, 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.

September 01, 2021	(JAISHREE THAKUR)
P.Bhatt	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No