

**212 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-40098-2021 (O&M)

Date of Decision: 01.10.2021

(Heard through VC)

Abhishek Kumar @ Hare Ram

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Sukhmeet Singh, 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. 158 dated 18.07.2019 under Sections 376-D, 506, 34 of Indian Penal Code and Section 4 of POCSO Act registered at Police Station Focal point, Ludhiana.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the FIR. It is argued that petitioner is in custody since 18.07.2019 and that no offence under Section 376-D IPC is made out as the FSL report does not support the same. It is further contended that the statement of the prosecutrix has been recorded and out of total 15 witnesses, 04 have already been examined and the trial is likely to take some time to conclude, therefore, the custodial interrogation 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 medical report does not support an offence under Section 376-D IPC.

I have heard learned counsel for the parties and have also perused the paper book.

Trial is likely to take some time to conclude as out of total 15 witnesses cited, only 04 have been examined as yet. Keeping in view the custody period of the petitioner and the contents of FSL report, I deem it appropriate stage to admit the petitioner to bail. 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 and is limited for the purpose of deciding the instant bail application.

01.10.2021	(JAISHREE THAKUR)	
<i>Riya</i>	JUDGE	
Whether speaking/reasoned :	Yes	No
<i>Whether Reportable :</i>	<i>Yes</i>	<i>No</i>