

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M- 39356-2020

Date of Decision: 15.09.2021

Nirmal Singh alias Kakka

..... Petitioner

VERSUS

State of Punjab

.... Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present Mr. Manu Loona, 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 pending trial in FIR No.155 dated 18.05.2020, under Sections 376, 34 IPC and Sections 3 and 4 of the POCSO Act (later on Section 376, 34 IPC and Section 4 of the POCSO Act deleted and Section 376-DA IPC and Section 6 of the POCSO Act added) registered at Police Station Sadar, Fazilka.

Learned counsel for the petitioner would contend that the petitioner herein has been falsely implicated in the present case. It is argued that the petitioner was not named as an accused in the statement made by the prosecutrix under Section 164 Cr.P.C. as well as in the statement given before the trial Court on 29.01.2021 and the allegations of rape are mainly against one Umesh Kumar. The allegation qua the petitioner herein is that he was present in the car when the rape was committed by said Umesh

Kumar. It is further contended that the petitioner herein is in custody since 08.08.2020. The statements of the material witnesses including the prosecutrix have been recorded and the petitioner would not influence them in any manner whereas 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, however, does not dispute the fact that the statement of the prosecutrix has been record.

I have heard learned counsel for the parties.

The trial is likely to take some time to conclude as out of total 26 witnesses cited, only three have been examined. The petitioner herein has been in custody since 08.08.2020. Prosecutrix in her statement during investigation has not allegedly nominated the petitioner. The main allegations are against co-accused Umesh Kumar. 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 bond of Rs. 1 lac each to the satisfaction of concerned trial Court/Duty Magistrate.

15.09.2021

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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No