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

**CRM-M-42154-2020**

**Date of decision : 16.08.2021**

**Akash**

**.... Petitioner**

**Versus**

**State of Punjab**

**.... Respondent**

**CORAM : HON'BLE MR.JUSTICE RAJESH BHARDWAJ**

**\*\*\***

Present: Mr. Sanjeev Kumar Arora, Advocate  
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

**\*\*\***

**RAJESH BHARDWAJ, J. (Oral)**

Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

The present petition is filed under Section 439 Cr.P.C. seeking grant of regular bail in case FIR No.362 dated 02.10.2020, registered under Sections 363 and 366-A of the Indian Penal Code, 1860, at Police Station City Faridkot, District Faridkot.

It has been contended by the counsel for the petitioner that petitioner has been falsely implicated in the FIR and no offence as alleged has been made out against him. He contends that petitioner is behind bars since 11<sup>th</sup> October, 2020. He has drawn the attention of this Court to the statement of the victim under Section 164 Cr.P.C. wherein she has stated that she went on her own with the petitioner. He further submitted that

thereafter, she refused to get her medically examined and during the trial, the complainant who is the father of the victim and the victim herself both did not support the prosecution and were declared hostile. He vehemently contends that in view of the attending circumstances, the incarceration of the petitioner is totally unwarranted.

Mr. M.S. Nagra, AAG, Punjab for the State affirms that the material witnesses have resiled in the case and the petitioner is behind bars from 11.10.2020.

In the overall facts and circumstances of the case and keeping in view the custody period undergone by the petitioner, this Court finds that learned counsel for the petitioner has succeeded in making out a case for bail to the petitioner. The present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

( **RAJESH BHARDWAJ** )  
**JUDGE**

**16.08.2021**  
*m. sharma*

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |