

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

CRM-M-44458-2019 (O&M)

Date of Decision: 19.04.2021

(Heard through V.C.)

Jaspreet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Tarun Jhatta, Advocate
for the petitioner.

Ms. Rashmi Attri, A.A.G., Punjab.

JAISHREE THAKUR, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.203 dated 08.10.2017, under Sections 363, 366-A and 120-B of IPC and Section 376 IPC and Sections 3 & 4 of POCSO Act added later on registered at Police Station City Moga, District Moga.

Learned counsel for the petitioner herein would contend that he has been falsely implicated in the said matter and has been in custody since 10.10.2017 as on date which tantamounts to almost 03 years and 06 months and 06 days. It is argued that the statement of the complainant has already been recorded and therefore, the chance of him influencing any material witness would not arise.

At this stage, learned counsel for the respondent-State would submit that all the prosecution witnesses have been examined and therefore, the petitioner herein ought not to be allowed the benefit of regular bail.

Whereas counsel for the petitioner would submit that he has yet to lead his defence. It is argued that he has been falsely implicated as would be evident from the fact that on the dates alleged that he had kidnapped/raped the prosecutrix she had under taken examination of 2nd term of 9th Class.

I have heard counsel for the parties and have also perused case file.

Without commenting upon the merits of the case, this Court is inclined to allow the benefit of regular bail to the petitioner, keeping in view the fact that material witnesses have been examined and the petitioner herein is to lead his defence. The petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail bonds and surety bonds to the satisfaction of trial Court/Duty Magistrate concerned.

19.04.2021

(JAISHREE THAKUR)

ps-I

JUDGE

Whether speaking/reasoned :	Yes	No
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Whether Reportable :	Yes	No
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