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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-12167-2022
Date of decision: 16.05.2022

LALLA @ ANAND KUMAR

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Ashish Gupta, Advocate
for the petitioner.

Mr. Pawan Sharda, Sr. DAG, Punjab.

JAISHREE THAKUR, J. (Oral)

This is the second petition filed under Section 439 Cr.P.C. for grant of regular bail in case FIR No.0019 dated 24.02.2021, under Sections 363, 366-A, 366 IPC (Section 376 IPC and Sections 6 and 16 of POCSO Act, 2012 added later on), registered at Police Station Jaitu, District Faridkot.

Learned counsel for the petitioner herein would contend that in the aforesaid FIR, the High Court by an order dated 27.10.2021, had allowed regular bail to the petitioner under Sections 363, 366-A, 366 IPC considering the fact that the matter stood investigated and challan had been presented. Thereafter, the petitioner came to know that Section 376 IPC and Sections 6, 16 of POCSO Act, 2012, were added and he preferred a criminal miscellaneous application in that matter that stood dismissed as withdrawn seeking permission to seek grant of regular bail to the petitioner herein under the newly added Sections. This Court by an order dated 01.12.2021, directed the petitioner to approach the trial Court under the newly added Sections and on

doing so, his bail application stands rejected.

Learned counsel for the petitioner herein would contend that in the interregnum period, the prosecutrix stands examined as PW-7 and she has not supported the case of the prosecution and has been declared hostile. He also submits that the co-accused has also been granted the concession of bail by a Coordinate Bench. No useful purpose would be served in keeping the petitioner behind bars any longer.

Learned State counsel would oppose grant of bail to the petitioner but does not dispute the factual position.

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

Without commenting on the merits of the case and keeping in view the fact that prosecutrix stands examined, who has not supported the case of the prosecution and has turned hostile, no useful purpose would be served in keeping the petitioner behind bars any longer, the instant petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail and surety bonds to the satisfaction of trial Court/Duty Magistrate concerned.

However, it is made clear that the observations made herein are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

16.05.2022
Chetan Thakur

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No