

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

**CRM-M-4947-2023
Decided on:-06.02.2023**

Amit Kumar

....Petitioner..

vs.

State of U.T. Chandigarh

....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Chanderhas Yadav, Advocate,
for the petitioner.

Mr. Abhinav Gupta, PP., U.T. Chandigarh.

HARKESH MANUJA J. (Oral)

By way of present petition filed under Section 439 Cr.P.C., the petitioner prays for grant of regular bail in case FIR No.22 dated 27.02.2022, under Section 5(i), 5 (m) and Section 6 of Protection of Children from Sexual Offences Act, 2012 and Sections 377 and 506 IPC, Police Station Maloya, Chandigarh, during the pendency of trial.

Learned counsel for the petitioner submits that the investigation in the present case already stands concluded with the filing of challan and during trial, the mother of the complainant while appearing as PW-3 has not supported the case of prosecution. Moreover, the petitioner is in custody since 27.02.2022 i.e. more than 11 months and 9 days and there is no other case pending against him, thus, prays for grant of concession of regular bail.

On the other hand, prayer made in the present petition has been opposed at the instance of learned counsel for U.T., Chandigarh by

submitting that during investigation, the victim has indicted the petitioner while recording of statement under Section 164 Cr.P.C. He also submits that the trial is at its fag-end as 11 out of total of 13 witnesses cited by the prosecution have already been examined.

I have heard learned counsel for the parties and gone through the paper book.

Considering the fact that the petitioner is already in custody for the past more than 11 months and 9 days and investigation already stands concluded with the filing of challan and even the mother of the victim while appearing as PW-3 has not supported the case of the prosecution, besides it, there is no other case pending against him, at this stage, I find that further incarceration of the petitioner may not be justified.

In view of the above, without commenting anything on the merits, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate.

06.02.2023
sonika

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/ No