

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-6632-2023 (O&M)
Date of Decision : 06.07.2023

Rahul @ Shinda

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Madhur Singh, Advocate for the petitioner.

Mr. M.S. Tiwana, AAG Punjab.

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ALKA SARIN, J. (Oral)

1. This is the first petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.164 dated 28.09.2020 under Sections 366, 366-A, 363 of the Indian Penal Code, 1860 registered at Police Station Division No.1, Pathankot.
2. Learned counsel for the petitioner would contend that the petitioner has falsely been implicated in the present case and that the victim had voluntarily gone with the petitioner. Learned counsel would further contend that the petitioner has already been in custody for a period of 02 years 09 months and 08 days and there is no other case pending against the petitioner.

3. Learned State counsel has filed a status-report by way of affidavit of Lakhwinder Singh, PPS, Deputy Superintendent of Police, Sub Division City, District Pathankot. Learned State counsel has pointed out that both the complainant and the prosecutrix stand examined. In the present case, however, out of total 13 witnesses only 06 have been examined so far.

4. I have heard learned counsel for the parties.

5. In the present case the petitioner has been in custody for a period of 02 years 09 months and 08 days. There is no other case pending against the petitioner. Out of 13 witnesses only 06 have been examined till date. However the prosecutrix and the complainant already stand examined. No purpose would be served by keeping the petitioner in incarceration as the trial is likely to take some time to conclude.

6. Keeping in view the totality of the circumstances and without commenting upon the merits of the case, I deem it a fit case to grant the concession of regular bail to the petitioner. The petitioner is directed to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of the Trial Court/Additional Sessions Judge (Duty) concerned.

7. However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

8. It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

9. Disposed off. Pending applications, if any, also stand disposed off.

06.07.2023
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(ALKA SARIN)
JUDGE

NOTE : Whether speaking/non-speaking : Speaking
Whether reportable : YES/NO