

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 214

Criminal Miscellaneous No.M-7464 of 2023

Date of Decision: *February 16, 2023*

Dinesh Kumar

..... PETITIONER(S)

VERSUS

State of U.T. Chandigarh

..... RESPONDENT(S)

. . .

CORAM: **HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

. . .

PRESENT: - Mr. Sartej Singh Narula, Senior Advocate with
Ms. Gurpalak Kaur, Advocate for the petitioner.

Mr. Abhinav Gupta, Addl. P.P., U.T. Chandigarh.

. . .

Tribhuvan Dahiya, J (Oral)

This is a petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.176 dated 02.11.2022, under Section 354-A IPC and Sections 10 & 12 of POCSO Act, 2012, registered at Police Station 39, Chandigarh.

Learned counsel for the petitioner has contended that all material witnesses have been examined, that includes the victim. By referring to the statement of Special Public Prosecutor dated 18.01.2023, it is also pointed out that two material prosecution witnesses, victim's step father Salevester and the Magistrate before whom her statement under Section 164 Cr.P.C. was recorded, have been given up. The petitioner is in custody since 03.11.2022.

Learned State counsel, on the other hand, opposes grant of bail to the petitioner on the ground that trial is going on and seven of the sixteen witnesses have already been examined, though two have been given up.

Since all material witnesses of the prosecution have been examined, and trial is not likely to conclude in near future, no useful purpose would be served by keeping the petitioner in custody during trial.

Accordingly, the petition is allowed and the petitioner is ordered to be released on bail on furnishing of requisite bonds/sureties to the satisfaction of trial Court/Duty Magistrate concerned.

(Tribhuvan Dahiya)
Judge

February 16, 2023
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Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No