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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-14790-2023 (O&M)
Date of decision : 29.08.2023

Dinesh @ Ishekar ... Petitioner(s)

Versus

State of Punjab ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. G.S. Hayer, Advocate for the petitioner.

Mr. Adhiraj Singh Thind, AAG Punjab.

ALKA SARIN, J. (ORAL)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.0018 dated 22.01.2023 under Sections 363, 366-A of the Indian Penal Code, 1860 registered at Police Station Kabarwala, District Sri Muktsar Sahib.
2. Learned counsel for the petitioner would contend that the petitioner has been in custody since 24.01.2023. It is further the contention that the petitioner has absolutely clean antecedents. Learned counsel has further stated that examination and cross-examination of all material witnesses i.e. victim and her parents stand recorded and further that the victim in her cross-examination while appearing as PW-1 has stated that she

had left her house on 21.01.2023 on her own accord and that the petitioner herein had a dispute with one of the co-villagers and hence he has falsely been implicated in the present case. It is further the contention of learned counsel that out of 18 witnesses, only 05 stand examined.

3. Learned counsel for the State has filed the custody certificate and as per the custody certificate the petitioner has been in custody for a period of 07 months and 06 days and there is no other case pending against the petitioner. Learned State counsel is not in a position to deny the fact that the victim and her parents stand examined as well as cross-examined and that the victim in her cross-examination has stated that she had left her house on her own accord and further that out of 18 witnesses only 05 stand examined. Learned counsel for the State has further pointed out that the petitioner is a resident of Uttar Pradesh.

4. Heard.

5. In the present case the petitioner is a young boy of 24 years of age and he has absolutely clean antecedents. The examination and cross-examination of all material witnesses i.e. victim and her parents stand recorded and further the victim in her cross-examination, while appearing as PW-1, has stated that she had left the house on her own accord on 21.01.2023 as also that the petitioner herein used to tell her to return to her parents but she did not come back. The petitioner has been in custody for a period of 07 months and 06 days and out of 18 witnesses only 05 material witnesses stand examined and the official witnesses are yet to be

examination. The trial is likely to take some time to conclude and no useful purpose would be served by keeping the petitioner behind the bars any further.

6. In view of the above and without commenting upon the merits of the case, this Court deems it to be 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 heavy bail bonds/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.

29.08.2023
Yogesh Sharma

(ALKA SARIN)
JUDGE

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