

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

270

**CRM-M No. 23978 of 2022
Date of Decision : 2.2.2023**

Lakhan Bhatti

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Rahul Kumar Adia, Advocate, for the petitioner
Mr. Kunal Vinayak, AAG, Punjab
Mr. Amrit Paul Nahar, Advocate, for the complainant

TRIBHUVAN DAHIYA J. (ORAL):

This is a petition under Section 439 Cr.P.C. seeking regular bail to the petitioner in case FIR No.176 dated 11.11.2019 under Sections 363, 366-A, 376 IPC and Sections 16 and 17 of the POCSO Act, 2012 registered at Police Station City Nawanshahar, District SBS Nagar.

Learned counsel for the petitioner contends that the petitioner has been implicated in the case only because he is brother of the main accused, otherwise there is no allegations against him. The matter stands amicably settled between the petitioner's brother and the complainant. He has referred to cross-examination of the victim, PW-4, in that regard.

Learned State counsel, on instructions from ASI Lekh Raj, submits that trial of the case is going on and fourteen out of twenty witnesses have already been examined. Case is now fixed for 7.2.2023, whereupon the remaining witnesses will also be examined. He further contends that the petitioner has been named by the prosecutrix in her testimony before the Court as well. A perusal of the testimony also establishes that the petitioner has

specifically been named therein, alleged to have committed rape upon her, though in subsequent cross-examination she has differed.

Appreciation of evidence is to be done by the trial Court, after recording of evidence, which is going on. At this stage, there is no ground to grant bail to the petitioner.

Dismissed.

However, the trial Court is directed to conclude the trial expeditiously.

(TRIBHUVAN DAHIYA)
JUDGE

2.2.2023
Ashwani

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