

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

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**CRM-M No. 48965 of 2021
Date of Decision : 20.2.2023**

Nachhattar Singh

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. M.S. Dua, Advocate, for the petitioner
Mr. Jashandeep Singh, AAG. Punjab

TRIBHUVAN DAHIYA J. (ORAL):

This is a petition under Section 439 Cr.P.C. seeking regular bail to the petitioner in case FIR No.51 dated 5.5.2021 under Sections 376, 450, 120-B IPC and Section 6 of POCSO Act registered at Police Station Sadar Jalalabad, District Fazilka.

As per allegations in the FIR, recorded on the statement of victim/complainant, aged about 15 years, the petitioner allegedly had exploited her physically for the last seven-eight months, and last time 25 days prior to lodging of the FIR in question.

Learned counsel for the petitioner submits that the petitioner is in custody since 28.6.2021, and trial of the case is not progressing despite the charges having been framed after presentation of report under Section 173 Cr.P.C. on 16.11.2021. Despite ten opportunities, none of the prosecution witnesses has been examined so far. On the last date for recording of prosecution evidence, i.e., 14.2.2023, bailable warrants of the complainant and her mother were received back unexecuted, and the same have again been issued for 16.3.2023.

Learned State counsel, on instructions from ASI Bishan Ram, is not in a position to dispute the facts aforestated. He, however, opposes the grant of bail on the ground that trial is going on.

In view of the facts stated above, it is apparent that investigation of the case is over and trial is not progressing. The petitioner remains in custody since 28.6.2021. None of the prosecution witness has been examined despite ten opportunities afforded for the purpose. No useful purpose will be served by confining the petitioner to custody any longer.

Accordingly, the petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

(TRIBHUVAN DAHIYA)
JUDGE

20.2.2023

Ashwani

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