

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

210

**CRM-M-58266 of 2022
Date of decision : 10.01.2023**

Sikander alias Shikari

.....Petitioner

VERSUS

State of Punjab

.....Respondent

CORAM: HON'BLE MR JUSTICE HARKESH MANUJA

Present:- Mr. J. K. Singla, Advocate, for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

HARKESH MANUJA, J. (Oral)

By way of present petition, the petitioner prays for grant of regular bail in case FIR No.172 dated 23.08.2022 (Annexure P-1) filed under Sections 376-D IPC 1860, registered at Police Station City Budhlada, District Mansa (lateron Sections 379-B, 511 & 34 IPC were added and Section 376-D was deleted).

Learned counsel for the petitioner submits that though initially the FIR was registered under Section 376-D IPC, however, after investigation, *challan* was only presented under Sections 379-B, 511, 34 IPC and the petitioner is already in custody since 25.08.2022. Learned counsel further submits that since the trial is likely to take some long time, the prayer of the petitioner for grant him regular bail be accepted.

On the other hand, learned State counsel has vehemently opposed the prayer for grant of regular bail to the petitioner while submitting that as per custody certificate, two more cases have also been registered against the petitioner and as such, he does not deserve for granting him concession of regular

I have heard learned counsel for the parties and gone through the paper book.

In the present case, I find that once the investigation has already been completed and trial is likely to take long time, there does not appear to be any plausible reason to keep the petitioner behind the bars for indefinite period. Further more, though the FIR was originally registered under Section 376-D of IPC whereas, the allegations to that extent were not even supported by the victim while making her statement under Section 164 Cr.P.C.

In view of the above, without commenting anything on the merits, lest it may prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate.

10.01.2023
anil

(HARKESH MANUJA)
JUDGE

<i>Whether speaking/reasoned :</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>