



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

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**CRM-M-29335-2024 (O&M)
Date of Decision : 23.07.2024**

VIJAY KUMAR

.... Petitioner

VERSUS

STATE OF PUNJAB

.... Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Amandeep Singh Manaise Advocate, for the petitioner.

Mr. Manmeet Singh Teji, AAG Punjab for the respondent.

Mr. Ankur Mehta, Advocate for the complainant.

ALKA SARIN, J. (ORAL)

1. The present second 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.2 dated 04.01.2023 under Sections 376, 201, 343 of the Indian Penal Code, 1860 and Section 6 of Protection of Children from Sexual Offences Act, 2012 registered at Police Station Vairoke, District Fazilka. The first petition being CRM-M-49360-2023 was dismissed as withdrawn vide order dated 05.10.2023.

2. Learned counsel for the petitioner would contend that the victim as well as the other material witnesses have since been examined as PW-1, PW-2 and PW-3 and they have not supported the prosecution version. It is further the contention that the petitioner has been in custody for a period of 1 year 5 months and 19 days. Learned counsel would further contend that though there is one more case registered and pending against the petitioner,

however, he has been granted bail in the said case.

3. Learned counsel for the State as well as learned counsel for the complainant are not in a position to deny the fact that neither the victim nor the material witnesses have supported the case of the prosecution. 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 1 year 5 months and 19 days. Learned counsel for the State has further stated that there is one more case registered and pending against the petitioner in which he is on bail.

4. Heard.

5. In the present case the petitioner has been in custody for a period of 1 year 5 months and 19 days. The victim and the other material witnesses have since been examined and they have not supported the prosecution version. 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 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.

23.07.2024
Aman Jain

(ALKA SARIN)
JUDGE

NOTE:

Whether speaking/non-speaking: Speaking
Whether reportable: Yes/No