

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-21303-2021 in/and
CRM-M- 7614-2020 (O&M)

Date of Decision: 28.07.2021
(Heard through VC)

Sunil Kumar

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Rajiv Joshi, Advocate
for the petitioner.

Mr. A. S. Gill, Sr. DAG, Punjab

JAISHREE THAKUR, J. (Oral)

CRM-21303-2021

The instant application has been filed for pre-poning the date of hearing of the case which is fixed for 01.09.2021.

For the reasons mentioned therein, the application is allowed and the case is taken up today.

CRM-M- 7614-2020

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No. 158 dated 18.07.2019 under Sections 376-D, 506, 34 of Indian Penal Code and Section 4 of POCSO Act registered at Police Station Focal point, Ludhiana.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the FIR. It is argued that petitioner is in

custody since 18.07.2019 and that no offence under Section 376-D IPC is made out as the FSL report does not support the same. It is further contended that the statement of the prosecutrix has been recorded and out of total 15 witnesses, 04 have already been examined and the trial is likely to take some time to conclude, therefore, the custodial interrogation of the petitioner would no longer be required.

Learned counsel for the respondent-State, on instructions from the Investigating Officer opposes grant of regular bail to the petitioner while pointing to the seriousness of allegations levelled against him, however, he does not dispute the fact that medical report does not support an offence under Section 376-D, IPC.

I have heard learned counsel for the parties and have also perused the paper book. Since the trial is likely to take some time to conclude owing to present COVID-19 pandemic situation and as out of total 15 witnesses only 04 have been examined as yet and keeping in mind the other facts and circumstances of the case, no useful purpose would be served in keeping the petitioner behind the bars any longer. The instant petition is allowed and the petitioner is directed to be released on regular bail on his execution of adequate personal/surety bonds to the satisfaction of concerned trial Court/Duty Magistrate. However, any observation made herein shall not be construed to be an expression on merits of the case.

(JAISHREE THAKUR)
JUDGE

28.07.2021
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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No