

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

**CRM-M-1770-2020 (O&M)
Decided on : 23.06.2020**

Jatinder Kumar @ Jeetu

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Ms. Puja Chopra, Advocate
for the petitioner(s).

Ms. Samina Dhir, AAG, Punjab
assisted by ASI Gian Singh.

MANJARI NEHRU KAUL, J.

Due to the outbreak of pandemic COVID-19, the instant case is being taken up for hearing through video conferencing.

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case FIR No. 209, dated 21.09.2019, under Sections 354, 354-A, 354-D IPC and Section 12 of the POCSO Act, registered at Police Station Tripuri, Patiala.

Learned counsel for the petitioner *inter alia* contends that on the face of it, it is a case of false implication. In fact, the prosecutrix was not a minor on the date of alleged occurrence, as alleged by the complainant - Bechan Shah, who happened to be the paramour of the mother of the prosecutrix.

Learned counsel for the petitioner further contends that the factum of the prosecutrix not being a minor at the time of the alleged occurrence and her date of birth not being 01st January, 2009 stood substantiated from the fact that as per the BPL ration card of the father of the prosecutrix i.e. Lotan Shah, which is annexed as Annexure P-2 along

with the instant petition, the age of the prosecutrix was mentioned as six years in the year 2008. Further contends that the petitioner has been in custody since 21st September, 2019 and the prosecutrix, who is one of the material witnesses, has since been examined.

Learned State counsel on the other hand while opposing the prayer for grant of regular bail to the petitioner, has submitted that no doubt the evidence of the prosecutrix has been recorded, but 07 prosecution witnesses remain to be examined. However, she has not been able to controvert the submissions made by learned counsel for the petitioner qua there indeed being some discrepancy about the date of birth of the prosecutrix.

Heard.

In view of the submissions made by learned counsel for the parties and keeping in view the fact that the petitioner has been behind bars since 21st September, 2019, no useful purpose would be served in keeping the petitioner behind bars, as the trial is unlikely to conclude in the near future, more so in the prevailing conditions due to the outbreak of pandemic COVID-19. Therefore, I deem it a fit case for the grant of the concession of regular bail. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed as an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

June 23, 2020

J.Ram

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No