

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

**CRM No.M-5686 of 2020 (O&M)
Date of Decision: September 02, 2020**

Manpreet Singh @ Mani

...Petitioner

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Arpan Sabharwal, Advocate,
for the petitioner.

ARCHANA PURI, J.

The matter has been taken up through video conferencing in the light of the COVID-19 pandemic.

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.162 dated 01.08.2019 under Sections 376 and 506 IPC, registered at Police Station Division No.7, Ludhiana.

Notice of motion to respondent No.1 only.

Mr.Sukhbeer Singh, AAG, Punjab, accepts notice on behalf of the respondent-State.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

The aforesaid case was registered on the basis of the application filed by the prosecutrix, wherein she has alleged about the

petitioner to have developed interaction with her on the allurements of job

and he developed phono-connectivity with the prosecutrix as well as her brother. On 23.07.2019, he had taken her alongwith her brother while on Aactiva and had dropped her brother near Shiv Puri and he drove her around and took her to Hotel Classic near bus stands Ludhiana. He took her in in room No.302 on the third floor and had projected about some Sir to be taking her interview. When she refused to go inside the room, against her wishes, he had forcibly taken her inside the room and closed the door and thereafter, he had sexually assaulted her.

Challan is stated to have been presented in the present case and the case is stated to be fixed for prosecution evidence. Undisputedly, the statement of the prosecutrix has not been recorded due to COVID pandemic. Learned State counsel submits that prosecutrix has gone to Uttar Pradesh on account of her examination, which are going to end on 29.09.2020. It is also submitted by learned counsel for the petitioner that petitioner is in custody since the date of registration of the FIR i.e. 01.08.2019. However, considering the period of detention, learned counsel for the petitioner has made submission that he would be satisfied if a specific direction is given relating to the making of an endeavour to record statement of the prosecutrix, at the earliest possible date.

In view of the same, learned State counsel, on instructions from ASI Resham Singh, Investigating Officer, has submitted that an effort shall be made at the instance of the Investigating Officer to facilitate recording of the statement of the prosecutrix, in the month of October.

In view of the aforesaid submissions, it is hereby ordered that let endeavour be made on the part of the State and more specifically on the part of the Investigating Officer, to facilitate recording of the statement of

the prosecutrix at the earliest, in the present case, soon after the examination of prosecutrix, which are going to end on 29.09.2020.

To so make an arrangement to facilitate recording of the statement of the prosecutrix through Video Conferencing or any other electronic mode, which is acceptable to both prosecution as well as the petitioner, let parties make appearance before the concerned trial Court on 08.10.2020 and on appearance of the accused-petitioner as well as of the prosecution side, the trial Court shall fix the date to its convenience for recording of the statement of the prosecutrix, through Video Conferencing or any other electronic mode, keeping in view the interest of one and all.

In view of the specific direction given, learned counsel for the petitioner does not want to pursue with the present petition at this stage and as such, the present petition is hereby dismissed as withdrawn at this stage. However, in the eventuality of the arrangement so accepted by the parties concerned, as aforesaid, being not workable due to one reason or the other, then liberty is granted to the petitioner to again approach this Court.

Learned State counsel is directed to supply the copy of this order to ASI Resham Singh, Investigating Officer, so that requisite efforts are made to facilitate availability of the prosecutrix for recording of the statement as stated above.

(ARCHANA PURI)
JUDGE

September 02, 2020
Vgulati

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No