

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

**CRM-M No.9506 of 2020 (O&M)
Date of Decision.14.09.2020
(Heard through VC)**

Malkiat Singh

...Petitioner

Vs

State of Punjab and others

...Respondents

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Ms. Manpreet Ghuman, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

Mr. Sham Lal Bhalla, Advocate
for the complainant.

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JAISHREE THAKUR J. (ORAL)

This is a petition that has been filed for grant of regular bail in case FIR No.31 dated 19.05.2019 under Sections 376-D, 420, 367, 370 IPC and Section 13 of Punjab Prevention of Human Smuggling Act, 2012 registered at Police Station Mehna, District Moga to the petitioner, who is in custody since 23.05.2019 in the aforesaid FIR.

Counsel for the petitioner herein would contend that the petitioner has been falsely implicated in the said matter as would be evident from the fact that Section 376D IPC has been deleted, while further arguing that the statement of the complainant has been recorded in which she has not supported the case of the prosecution and therefore, prays for concession of regular bail.

Learned counsel appearing for the respondent-State on instructions from ASI Nachhattar Singh opposes the grant of bail by

contending that Section 376-D IPC was deleted because the daughter of the complainant is not present in India and her medical examination could not be carried out. However, she is not in a position to dispute the fact that statement of the complainant has been recorded and she has turned hostile by stating that the accused Malkiat Singh had not committed any offence with her daughter.

Learned counsel for the complainant would submit that the complainant stands by his statement.

I have heard learned counsel for the parties.

Keeping in view the fact that statement of the complainant has been recorded in which she has not supported the case of prosecution and the fact that the trial is likely to take some time to conclude as owing to *novel corona virus* pandemic, Courts are not working at their full strength and ordinary hearing matters are not being taken up, no useful purpose would be served by keeping the petitioner behind bars. The instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal/surety bond 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

September 14, 2020

Pankaj*

Whether speaking/reasoned Yes/No

Whether reportable Yes/No