

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

CRM-M- 11469-2020 (O&M)

Date of Decision: June 12, 2020

(Heard thru video conferencing)

Ajaib Singh alias Naibu

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Ashok Kumar Khunger, Advocate
for the petitioner.

Mr. Ramdeep Pratap Singh, Addl. A.G., Punjab.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 71 dated 04.06.2019, under Sections 363, 366-A Indian Penal Code (offence under Section 376 IPC, 1860 read with Section 6 POCSO Act, 2012 added subsequently), registered at Police Station Khuian Sarwar, District Fazilka.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 08.06.2019. It is submitted that the petitioner has been falsely implicated in the present case. It is also contended that the bail application of the petitioner was rejected primarily on the ground that in case it is allowed he would pressurize or influence the prosecution witnesses. It is further contended that in fact charges have been framed and the statements of the material witnesses have

been recorded and that the conclusion of trial will take sufficient time, therefore, the petitioner is entitled to be enlarged on bail.

Per contra, learned counsel appearing on behalf of respondent-State, on telephonic instructions from the Investigating Officer-ASI Pargat Singh, opposes the grant of regular bail to the petitioner, while submitting that offences alleged against the petitioner are serious in nature, however, does not dispute the fact that the statements of the material witnesses have been recorded and only formal witnesses are pending for summoning.

I have heard learned counsel for the parties.

Since in view of the restricted working of the Courts due to pandemic COVID-19 situation, the trial is likely to take some time and in view of the facts that the petitioner herein has been in custody since 08.06.2019 and that the statements of the material witnesses have been recorded, no useful purpose would be served in keeping the petitioner behind bars. Even though the petitioner is in custody for the offence under Section 376 IPC read with Section 6 POCSO Act, 2012, at this stage, keeping in view the restricted functioning of the Courts and without commenting on the merits of the case, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal bond and surety bond of heavy amount to the satisfaction of concerned trial Court/Duty Magistrate.

(JAISHREE THAKUR)
JUDGE

June 12, 2020
seema

Whether speaking/reasoned
Whether reportable

Yes
Yes/No