

209 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-12580-2020
Date of Decision: 24.11.2020

Kuldeep

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Aditya Sanghi, Advocate,
for the petitioner.

Mr. Anmol Malik, D.A.G., Haryana.

SUDIP AHLUWALIA, J. (ORAL)

The present petition has been filed under Section 439 of the Cr.P.C. by the petitioner, seeking regular bail in case FIR No.206 dated 20.08.2019, under Sections 363/366-A/120-B of the IPC, Section 6 of the POCSO Act and Section 3(2)(v) of the SC and ST (Prevention of Atrocities) Act, registered at Police Station Narwana Sadar, District Jind, Haryana.

2. The petitioner has remained in detention for more than one year and two months, since 01.09.2019.

3. Perusal of the impugned order (Annexure P-1) goes to show that the petitioner's prayer for regular bail was rejected by the Ld. Additional Sessions Judge, Jind, on 06.02.2020 and in the said order, it was mentioned that "*the victim, the complainant and other witnesses are yet to be examined, so the accused is not entitled to bail*". It now transpires that subsequent to the aforesaid order, the prosecutrix as well as the complainant, who happens to be her own father, have already been examined in full from the prosecution side

on 04.03.2020. However, thereafter, the trial has come to a virtual standstill, on account of outbreak of Covid-19 pandemic.

4. Ld. Counsel for the petitioner draws attention of the Court to the fact that at the initial stage, not only the prosecutrix had refused to get herself medically examined, but had also not made any incriminating statement against his client during her examination by the Magistrate under Section 164 of the Cr.P.C., and according to him, it was under pressure of the complainant and other vested interests that she subsequently gave incriminating statements against the petitioner in her examination under Section 161 of the Cr.P.C. and then in the Ld. Trial Court.

5. Be that as it may, the position as of now is that evidence of both the vital witnesses have already been recorded. But here onwards, the trial is likely to take a considerable time for its completion, on account of outbreak of Covid-19 pandemic.

6. In such circumstances, further detention of the petitioner for an indefinite period, at this stage, is not warranted.

7. As such, without commenting any further on the merits of the present case as a whole and in view of the detention undergone by the petitioner, the prayer of the petitioner for regular bail is allowed and he is ordered to be released on bail, subject to appropriate terms and conditions to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

8. Disposed off.

24.11.2020

Apurva

(SUDIP AHLUWALIA)
JUDGE

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No