

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

CRM-M-12718-2020

Date of Decision: 16.07.2020

Punjab Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. J.S. Lalli, Advocate,
for the petitioner.

Mr. Harbir Sandhu, A.A.G., Punjab.

AMOL RATTAN SINGH, J. (ORAL)

All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the COVID-19 pandemic.

This petition has been filed under the provisions of Section 439 of the Cr.P.C. for grant of 'regular bail' to the petitioner upon FIR no. 0172, dated 28.11.2019, having been registered at Police Station Maqsudan, District Jalandhar (Rural), for the alleged commission of offences punishable under Section 377 of the IPC and Section 4 of the Protection of Child from Sexual Offences, Act, 2012.

Though, vide the order of this court dated 03.06.2020, it has been recorded that the trial court would make every endeavour to record the statement of victim and learned counsel for the petitioner submits that in fact the statement of the victim has been recorded, with the trial court also observing that the victim is capable of giving evidence, yet it is seen that though in the cross-examination the victim is stated to have given his age to be 20 years old, he has stated in the reply

to the query of that court, that he is studing in Class IV.

Learned State counsel also submits that as per his instructions, the victim is not of sound mind.

It is also seen, as is also not denied by learned State counsel, (on instructions), that even the complainant, i.e. the father of the victim has turned hostile.

That being so, without making any comment on the actual merits of the case for or against the petitioner, this petition is allowed. The petitioner shall be admitted to bail upon his furnishing adequate bail bonds and surety bonds to the satisfaction of the learned trial court/Chief Judicial Magistrate/Duty Magistrate, concerned.

July 16, 2020
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes