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

**CRM-M-12978-2020 (O&M)
Date of Decision: 06.07.2020**

Sonu

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. K.P.S. Virk, Advocate,
for the petitioner.

Mr. Anant Kataria, DAG, Haryana.

SUDIP AHLUWALIA, J. (ORAL)

CRM-11282-2020:

Allowed as prayed for, subject to all just exceptions.

CRM-M-12978-2020:

The instant petition has been filed under Section 439 of the Code of Criminal Procedure seeking regular bail in case FIR No.238 dated 17.10.2019, under Sections 363 and 366-A of the Indian Penal Code (Sections 420, 467, 468 and 471 of the Indian Penal Code added subsequently), registered at Police Station Uchana, District Jind.

[2]. The petitioner has remained in detention since 22.12.2019. In the meantime, investigation against him has already been completed and challan submitted.

[3]. The question to be considered for deciding culpability of the

petitioner would be as to what was the actual age of the prosecutrix on the date when she went with the petitioner, and whether the petitioner was aware about her not having attained the age of majority, in case she was still minor. The prosecutrix in question is reported to be kept in safe custody in the Nari Niketan.

[4]. It transpires that atleast on four occasions, consideration of charges against the petitioner could not be taken up in the Ld. Trial Court.

[5]. Consequently, the trial itself is likely to take substantial long time in view of the prevailing COVID-19 pandemic.

[6]. Further indefinite detention of the petitioner in the present circumstances, at this stage, is not justified.

[7]. In view of above, the petitioner is ordered to be released on bail till such time as charges in the case are framed in the Ld. Trial Court. On that date, he shall be taken into custody again till examination of the prosecutrix, as the first witness from the prosecution side, is completed.

[8]. The petitioner would be at liberty to apply again for bail after this stage is exhausted.

[9]. Disposed off.

06.07.2020

Apurva

(SUDIP AHLUWALIA)
JUDGE

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