

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

208

CRM-M 13005 of 2020 (O&M)
DATE OF DECISION : 25th AUGUST, 2020

Chetan Bawa

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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In virtual Court

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Present: Mr. S. K. Chaudhary, Advocate for the petitioner.

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RAJBIR SEHRAWAT, J. (Oral)

CRM-11296-2020

The application is allowed as prayed for.

CRM-M 13005 of 2020

The present petition has been filed by the petitioner under Section 439 Cr.P.C. for grant of bail pending trial in case FIR No.24 dated 26.02.2020 registered under Sections 363 & 366A IPC (Section 376 IPC and Section 6 of POCSO Act, added later on) at Police Station Sadar, District Pathankot.

It is contended by the counsel for the petitioner that the case against the petitioner is totally concocted. The petitioner has never indulged in the forcible acts against the complainant, as alleged in the FIR. Even the prosecutrix, while making statement under Section 164 Cr.P.C., has not alleged any rape upon her by the petitioner. On the contrary, in the statement she has given details of her travel with the

petitioner by bus to various places. This shows that she was doing everything with her free will. Still further, it is submitted that the petitioner is in custody since 04.03.2020. The challan has already been filed. Therefore, the petitioner is not required for any investigation purposes. There is no other case against the petitioner.

Notice of motion.

Mr. Ajay Pal Singh Gill, DAG, Punjab, accepts notice on behalf of the State.

The learned counsel for the State, being instructed by SI Gobind Parshad, has submitted that there are direct allegations against the petitioner. The prosecutrix was minor at the time when she was enticed away by the petitioner. However, it is not disputed that in the statement made by the prosecutrix under Section 164 Cr.P.C. she has not levelled any direct allegation of rape against the petitioner. Rather, she has given the details of her travel with the petitioner. It is also not disputed that the petitioner is in custody since 04.06.2020 and that there is no other case against him.

In view of the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

25th AUGUST, 2020
'raj'

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>