

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

202

CRM-M-13761-2020 (O&M)
Date of decision: 09.07.2020

Gurpreet Singh @ Kaka

.....Petitioner

versus

State of Punjab

....Respondent

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. Kanwaljeet Singh Brar, Advocate for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video-conferencing on account of lockdown due to outbreak of pandemic COVID-19.

Petitioner-Gurpreet Singh @ Kaka who is stated to be aged 23 years, has filed the present petition *inter alia* praying for grant of regular bail in case FIR No.16 dated 18.02.2019, under Sections 363/366-A and Section 7, 3, 4 of POSCO Act, 2012, registered at Police Station Badhni Kalan, District Moga.

Learned counsel for the petitioner based on pleadings submits that the petitioner has been falsely implicated in this case. Learned counsel further submits that in the present case Medico Legal Examination of the victim has not been conducted. Learned counsel then refers to order passed by this Court dated 16.06.2020, wherein the contention of the petitioner was recorded that the victim and her father have not supported the prosecution

case qua the involvement of the petitioner. The order dated 16.06.2020 is reproduced hereunder:-

“Heard through video concerning.

Learned counsel for the petitioner contends that the victim and her father have not supported the prosecution case qua the involvement of the petitioner.

Learned State counsel prays for time to verify the same.

List on 09.07.2020.”

Today, during the video conferencing proceedings, learned counsel has shared the copies of the statements on Whatsapp, to submit that the victim and her father have not supported the prosecution case.

On the asking of Court, learned State counsel, on instructions from ASI Varinder Singh, has submitted that the challan was presented on 10.12.2019. There are total of 22 witnesses and only 5 witnesses have been examined. The next date in the case is 13.07.2020.

Faced with the situation, learned counsel however submits that due to the present COVID-19 situation and also the fact that trial is likely to take some time, detention of the petitioner in jail is dangerous to his life, therefore, petitioner is entitled for regular bail.

In view of the peculiar facts as noticed above, considering the existing situation due to COVID-19 and the fact that trial is likely to take some time, this Court deems it appropriate to direct the release of the petitioner on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned, subject to his furnishing bail bonds/surety bonds. However, it is made clear that anything observed herein

shall not be construed as an expression on merits of the case.

The petition stands disposed of accordingly.

(GIRISH AGNIHOTRI)
JUDGE

09.07.2020

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Whether speaking/ reasoned:	Yes/No
Whether Reportable:	Yes/No