

104.

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

CRM-M-14540-2020 (O&M)

Date of decision:16.07.2020

KULDEEP KAUR

... Petitioner

versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Jagjit Singh Gill, Advocate,
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

HARI PAL VERMA, J.(Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

CRM-12832-2020

Prayer in this application filed under Section 482 Cr.P.C. is for exemption from filing the prescribed court fee.

Prayer for exemption of court fee on account of COVID-19 is accepted with the condition that the petitioners shall deposit the required court fee within a period of one month when the situation becomes normal from the COVID-19 effect.

Application stands disposed of.

CRM-16273-2020

Prayer in this application filed under Section 482 Cr.P.C. is to place on record the statement of prosecutrix under Section 164 Cr.P.C.

(Annexure P-5) and the statement as PW recorded before the trial Court as Annexure P-6.

For the reasons stated in the application, same is allowed and the documents Annexures P-5 and P-6 are taken on record.

CRM-M-14540-2020

Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.628 dated 02.08.2017 registered under Section 346 of IPC (Sections 328, 370-A, 376(2)(n) of IPC and Section 6 of POCSO Act and Sections 4, 5, 6 of Immoral Traffic Prevention Act, added lateron) at Police Station City Sirsa, District Sirsa.

Learned counsel for the petitioner has argued that the petitioner is in custody since 22.03.2018 i.e. about 2 years and 4 months. The earlier petition filed by the petitioner was withdrawn on 17.10.2019. As against the total 18 witnesses cited by the prosecution, 15 witnesses have already been examined, but in view of Covid-19 pandemic, trial is not going to be concluded in the near future. The other co-accused, namely, Deepak and Rekha have already been released on bail by this Court in ***CRM-M-43971-2019*** titled as ***Deepak @ Deepu Sharma Versus State of Haryana*** vide order dated 31.01.2020 and ***CRM-M-15583-2018*** titled as ***Rekha alias Raman alias Golu Versus State of Haryana***, vide order dated 15.05.2018. He submits that during her evidence, the prosecutrix has not specifically named the place where she was taken by the petitioner and further, she has not disclosed the hotel wherein she used to be sent by the petitioner.

Learned State counsel does not dispute the custody. However, she submits that the petitioner is the main accused who has facilitated the commission of heinous crime and that too on the prosecutrix who is a minor.

I have heard learned counsel for the parties.

Petitioner is in custody since 22.03.2018. Though there are 18 witnesses cited by the prosecution and out of them, 15 witnesses have been examined, but in the background of the ongoing Covid-19 pandemic situation, the trial is still not likely to be concluded in the near future.

In view of above, without making any observation as regard the involvement, but considering the long custody and in the background of Covid-19 pandemic situation, this Court deems it appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail subject to her furnishing bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observations made hereinabove shall not be construed as an expression on the merits of the case and the trial court shall decide the case on the basis of available material.

(HARI PAL VERMA)
JUDGE

16.07.2020
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No