

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

**CRM-M-14964-2020
Decided on : 23.07.2020**

Sushil Bhati

. . . Petitioner(s)

Versus

State of Punjab

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Ms. Riffi Birla, Advocate
for the petitioner(s).

Mr. H.S. Sullar, DAG, Punjab
assisted by ASI Ravinder Kumar.

MANJARI NEHRU KAUL, J.

Due to the outbreak of pandemic COVID-19, the instant case is being taken up for hearing through video conferencing.

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case FIR No. 17, dated 28.01.2020, under Sections 354, 506 of IPC, Section 67A of the IT Act, 2000, Section 3 of the SC/ST Act, 1989 and Section 10 of the POCSO Act, 2012, registered at Police Station Bahaw Wala, District Fazilka.

Learned counsel for the petitioner *inter alia* contends that the petitioner, who is in custody since 02.03.2020, has been falsely implicated in the FIR in question without there even being any incriminatory evidence to connect him with the crime in question. Further contends that the inordinate delay of almost seven months in lodging the FIR further lends credence to his false implication as the daughter of the complainant was not even the petitioner's student, so he had no occasion to interact with her,

much less, borrow the mobile phone of the prosecutrix on the pretext of

sending her the school syllabus. The learned counsel further contends that in fact the complainant who is the mother of the prosecutrix is a greedy person and has been blackmailing innocent persons by filing false cases.

On the other hand, learned State counsel on instructions from ASI Ravinder Kumar, has apprised this Court that the challan was filed on 01st May, 2020 and charges are yet to be framed.

Heard.

The petitioner has been in custody ever since his arrest on 02nd March, 2020 and the trial is unlikely to conclude in the near future, more so in the prevailing conditions due to the outbreak of pandemic COVID-19. Accordingly, I deem it a fit case for grant of the concession of regular bail. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed as an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

July 23, 2020

J.Ram

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