

Crl. Misc. No. M-15087 of 2020

Date of Decision: August 11, 2020

Jagmal

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Gourave Bhayya Gilhotra, Advocate
for the petitioner

Mr. Ajay Pal Singh Gill, DAG Punjab

Sudhir Mittal, J. (Oral)

The petitioner seeks grant of regular bail in case FIR No. 118 dated 27.11.2019 registered under Sections 376, 342, 506 IPC and Section 4 of POCSO Act at Police Station Dhakoli, District SAS Nagar, Mohali.

Learned counsel for the petitioner submits that the petitioner has been in custody for over eight months. The trial is not likely to be concluded at an early date as examination of PWs has not yet commenced. There is no other criminal case pending against the petitioner. The evidence on record indicates that offence under Section 376 IPC and under Section 4 of POCSO Act has not been committed by the petitioner and, thus, he may be granted regular bail.

Custody certificate dated 11.08.2020 has been filed in the Court. The same is taken on record. According to this custody certificate, the petitioner has undergone actual custody of 8 months and 12 days year and there is no other criminal case pending against him.

Learned State counsel admits that examination of PWs has not yet commenced.

Learned counsel for the petitioner has referred to the statement of the complainant recorded under Section 164 Cr.P.C. to submit that allegation of rape has not been levelled therein. He has also referred to the MLR dated 27.11.2019 wherein it has been recorded that complainant was not subjected to sexual intercourse. Thus, *prima facie* it appears that the petitioner has been falsely implicated for the offences aforesaid.

It is evident that the petitioner has been in custody for 8 months and 12 days and the trial is not likely to be concluded at an early date, thus, he deserves to be granted regular bail.

Accordingly, the petition is allowed and the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

August 11, 2020

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No