

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

Sr. No.209

CRM-M-15884-2020

Date of decision : 29.07.2020

Sandeep Singh

....Petitioner

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Kuldip Singh, Advocate
for the petitioner.

Mr. P.S. Walia, AAG, Punjab.

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DEEPAK SIBAL, J. (Oral)

Case taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.0009 dated 09.02.2019, registered under Sections 363, 366-A IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012 at Police Station Amir Khas, District Fazilka.

Learned counsel for the petitioner submitted that the petitioner has been falsely implicated in this case; there is no other criminal case pending against him; he is in custody for the last seven months; the report under Section 173 Cr.P.C. has already been filed and therefore the petitioner is not in a position to influence the investigation; in a statement under Section 164 Cr.P.C., the complainant's daughter has not supported the case of the prosecution; the matter between the parties has been compromised and that the trial which is yet to commence is likely to take a long time to conclude.

He further submitted that as per her Aadhar Card the age of the daughter of the complainant is 18 years and that after getting married the petitioner and the complainant's daughter jointly had filed a petition before this Court seeking protection of their lives and liberty which was granted.

Learned State counsel while admitting the fact that the complainant's daughter has not supported the case of the prosecution while recording her statement under Section 164 Cr.P.C., opposes the grant of bail on the ground that the petitioner was alleged to have kidnapped and have sexual relations with a minor girl.

The petitioner is in custody for the last seven months; in her statement under Section 164 Cr.P.C. complainant's daughter has not towed the line of the prosecution; the conflicting claims with regard to the age of the complainant's daughter would be deciphered only at the end of the trial; the report under Section 173 Cr.P.C. has already been filed and therefore the petitioner is not in a position to influence the investigation and the trial which is yet to commence is likely to take a long time to conclude especially in the present circumstances when the world is facing the pandemic-Covid 19.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Fazilka, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

(DEEPAK SIBAL)
JUDGE

July 29, 2020
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No