

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M- 16937-2020 (O&M)

Date of Decision: July 16, 2020

Surinder Kumar

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Maninder Singh Saini, Advocate
for the petitioner.

Mr. J. S. Ghumman, D.A.G., Punjab.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.258 dated 28.12.2019, under Sections 376, 354, 509, 511 IPC read with Section 8/10 of POCSO Act at Police Station Civil Line Batala, District Gurdaspur on the basis of compromise dated 03.01.2020.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody since the date of filing of the FIR. It is submitted that the petitioner has been falsely implicated in the present case. It is also contended that the allegations as set out in the FIR are patently false while further arguing that question of offence under Section 376 IPC is clearly not made out as there is no medical report in support thereof. It is further argued that the matter stands compromised between the parties and a quashing petition bearing No. CRM-M-1954-2020 has already been filed in

this Court and investigation is complete as the challan stands presented and that conclusion of trial will take sufficient time, therefore, the petitioner is entitled to be enlarged on bail.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, while submitting that offences alleged against the petitioner are serious in nature, however, he does not dispute the fact that the investigation is complete and the challan stands presented.

I have heard learned counsel for the parties.

Since, in view of the restricted working of the Courts due to pandemic COVID-19 situation, the trial is likely to take some time and in view of the facts that the petitioner herein has been in custody since last six months and that the matter stands compromised between the parties and investigation is complete as the challan stands presented, no useful purpose would be served in keeping the petitioner behind bars. At this stage, without commenting on the merits of the case, the instant petition is allowed and the petitioner is directed to be released on regular bail on his execution of adequate personal and surety bonds to the satisfaction of concerned trial Court/Duty Magistrate.

July 16, 2020
seema

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No