

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

209 - CRM-M-17614-2020 (O&M)

Date of Decision: 09.09.2020

Kapil @ Monu

... Petitioner

VS.

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. Rohit Mittal, Advocate for the petitioner

Mr. Rajiv Goel, DAG Haryana

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video conferencing on account of lockdown due to outbreak of COVID-19 pandemic.

The petitioner Kapil @ Monu aged 23 years has filed the present petition *inter alia* with a prayer for grant of regular bail in case FIR No.217 dated 16.08.2019 under Sections 363/366A IPC and Section 4 of the POCSO Act, 2012 registered at PS Ateli, District Mahendergarh.

Learned counsel for the petitioner submits that the petitioner and the alleged victim girl, namely, Santosh had willing relations and as such they wanted to marry each other. He submits that in fact when the same came to the knowledge of the complainant party, they pressurized the victim and lodged the present FIR. He submits that in a statement under Sections 164 CrPC dated 16.08.2019 (P3), the girl Santosh has stated that it was she who made phone call to the petitioner. She further states that all things were done with her own wish and that she wanted to solemnize marriage with the petitioner.

Learned State counsel, on instructions from ASI Shakuntala

Devi submits that the charges were framed on 03.01.2020. There are a total of

19 witnesses: 3 witnesses have been examined and 16 more still remain to be examined.

Counsel then submits that due to the present COVID-19 situation, detention of the petitioner in jail is dangerous to his life, therefore, petitioner may be granted concession of regular bail.

In view of the peculiar facts as noticed above, considering the existing situation due to COVID-19 and the fact that trial is likely to take some time, this Court deems it appropriate to direct the release of the petitioner on regular bail subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the Duty Magistrate/trial court concerned.

However, it is made clear that anything observed herein shall not be construed as an expression on merits of the case.

09.09.2020

vishal shonkar

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

(Girish Agnihotri)
Judge

Yes/No
Yes/No