

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

**CRM-M-16923-2020 (O&M)**

**Date of decision: 11.08.2020**

Naresh Kumar

...Petitioner

Versus

State of Punjab and another

.....Respondents

**CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL**

Present:- Mr. Dinesh Nagar, Advocate for the petitioner.

Mr. Amit Mehta, Sr. DAG, Punjab.

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**HARNARESH SINGH GILL, J. (ORAL)**

Case is taken up for hearing through video conferencing.

Petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 87 dated 12.11.2019 registered under Section 376 IPC (Section 506 IPC added later on) at Police Station Behram District SBS Nagar.

Learned counsel for the petitioner states that though the case is at the evidence stage, yet despite having been summoned repeatedly, the prosecutrix is not turning up for getting her testimony recorded in the Court. It is further contended that out of 16 witnesses, only 1 witness has been examined by the prosecution thus far and if the trial goes at this snail's pace, there is no likelihood of the same to conclude in near future.

Additionally, the factum of a large number of inmates having been infected with Covid-19 in the Central Jail, Ludhiana, has also been pleaded as one of the grounds for the petitioner's release on regular bail.

On the other hand, learned State counsel while controverting the submissions made by the learned counsel for the petitioner, submits that the allegations against the petitioner are very serious and in case, he is enlarged on bail, every effort will be made by him to either tamper the evidence or win over the witnesses. However, he does not dispute the factum of examination of only 1 witness, out of 16 witnesses till date.

I have heard the learned counsel for the parties.

As noticed above, the prosecutrix is yet to be examined. In the cases of sexual offences, the testimony of the prosecutrix is of the vital significance. However, as alleged by the petitioner, if the prosecutrix is not turning up for recording her testimony, it is open to the petitioner to agitate the said fact before the trial Court but the same cannot be a ground to release the petitioner on regular bail at this stage. The prayer of the petitioner for release on bail on Covid-19 ground does not have any merit either.

Therefore, I do not find any ground to grant him the concession of regular bail.

In view of the above, the present petition is dismissed.

**(HARNARESH SINGH GILL)**  
**JUDGE**

**11.08.2020**

*ds*

Whether reasoned/speaking?  
Whether reportable?

Yes/No  
Yes/No