

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CRM-M No. 17083 of 2020

Date of decision : August 17, 2020

(Through Video Conferencing)

Sham Lal

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present:- Mr. Rajesh Rajput, Advocate for
Mr. R. K. Dadwal, Advocate
for the petitioner.

Mr. Harbir Sandhu, AAG., Punjab.

Manjari Nehru Kaul, J (oral).

The present petition has been filed under Section 439 Cr.P.C for grant of regular bail to the petitioner, in case FIR No. 11 dated 5.2.2020 under Sections 354,354-A,457 IPC and Section 10 of the Protection of Children from Sexual Offences Act, 2012 registered at Police Station Talwara, District Hoshiarpur.

Learned counsel for the petitioner contends that the false implication of the petitioner in the present case is evident from the fact that on the very next day of the alleged occurrence in her statement recorded under Section 164 Cr.P.C the victim did not even name the petitioner nor did she allege wrong doing on his part. He further contends that no medical examination was conducted on the victim. He, thus, prays for grant of regular bail, as the petitioner has been behind bars since 6.2.2020 and till date only report under Section 173 Cr.P.C. has been filed.

Per contra, learned State counsel while opposing the grant of regular bail to the petitioner has not been able to controvert the submissions made by learned counsel for the petitioner qua the factum of the victim not alleging anything against him in her statement under Section 164 Cr.P.C as well as the fact that no medical examination was conducted on her.

In view of the submissions made by learned counsel for the petitioner and keeping in view the fact that the petitioner has been in custody since 6.2.2020 and due to the outbreak of the pandemic Covid-19 the trial is unlikely to conclude in the near future, I deem it a fit case to grant the concession of regular bail to the petitioner. Therefore, without expressing anything on the merits of the case, the instant petition is allowed and the petitioner is ordered to be released on regular bail to the satisfaction of the trial court/Duty Magistrate.

(MANJARI NEHRU KAUL)
JUDGE

August 17, 2020
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No