

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

210

CRM-M-17274-2020

Date of decision: 20.07.2020

Sunil Kumar

....Petitioner

versus

State of Punjab

....Respondent

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. Prashant Vashisth, Advocate for the petitioner.

Mr. Suveer Sheokhand, Addl. AG, Punjab.

GIRISH AGNIHOTRI, J. (Oral)

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

Petitioner-Sunil Kumar, stated to be aged 21 years, has filed the present petition *inter alia* with a prayer for grant of regular bail in case FIR 14 dated 18.01.2020 (Annexure P-1), registered under Sections 363 & 366-A of Indian Penal Code (Section 376 IPC read with Sections 3 & 4 of POCSO Act added later on) at Police Station Division No.6 Ludhiana City.

Learned counsel for the petitioner, based on the pleadings, submits that in fact, mother of the petitioner has wrongly given the age of girl and as per the petitioner, she is more than 18 years of age. Learned counsel further submits that in fact, the girl and the petitioner were known to each other and there was no allegation that the petitioner had

forcefully threatened the girl to accompany him. He was arrested on 18.01.2020.

On instructions from ASI Lakhbir Singh, learned State counsel submits that after arrest of the petitioner, on 19.02.2020, challan was presented. There are total of 15 witnesses but, till date, charges have not been framed. It is submitted that now the case is fixed for 13.07.2020 for framing of charges.

Faced with the situation, learned counsel for the petitioner submits that because of COVID-19 situation, the trial is likely to take some time and detention of the petitioner in jail would be dangerous to his life, hence, the petitioner may be granted concession of regular bail.

In view of the peculiar facts and circumstance as noticed above, considering the existing situation due to COVID and the fact that trial is likely to take time, this Court deems it appropriate to direct release of the petitioner on regular bail to the satisfaction of trial Court/Duty Magistrate concerned, subject to his furnishing bail/surety bonds. However, it is made clear that anything observed herein shall not be construed as an expression on merits of the case.

The petition stands disposed of accordingly.

(GIRISH AGNIHOTRI)
JUDGE

20.07.2020

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Whether speaking/ reasoned:

Yes/No

Whether Reportable:

Yes/No