

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

211

CRM-M-17290-2020

Date of decision: 20.07.2020

Tarwinder Singh

....Petitioner

versus

State of Punjab

....Respondent

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. Amandeep Singh Gulati, 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-Tarwinder Singh, stated to be aged 23 years, has filed the present petition *inter alia* with a prayer for grant of regular bail in case FIR 129 dated 02.04.2018 (Annexure P-1), registered under Sections 346, 363, 366-A & 376 of Indian Penal Code and Section 6 of POCSO Act at Police Station Basti Jodhewal, District Ludhiana, Punjab.

Learned counsel for the petitioner submits that the petitioner was arrested on 03.04.2018 and since then till date, he has completed more than two years of custody. He submits that initially, the FIR was lodged under Section 346 of Indian Penal Code, in which, the punishment prescribed is two years. He then submits that later, Sections 363, 366-A & 376 of IPC

were also added. Counsel further submits that in Section 376 IPC and Section 6 of POCSO Act, the punishment prescribed is of 10 years or life imprisonment. In the other Sections, there is no minimum punishment prescribed. He then submits that on merits, he has prima facie good case, because, the prosecutrix appears to have made allegations under pressure. In fact, by making reference to the statement dated 20.04.2019 (Annexure P-2), by the prosecutrix, he submits that she has herself stated to have given statement that 'accused had physical relations with me with my own consent'.

Learned State counsel submits that challan in this case was filed and thereafter, nine witnesses have been examined. Now the case is fixed for 19.08.2020 for framing of charges.

Faced with the situation, learned counsel for the petitioner submits that because of COVID-19, the cases for regular hearing are taking some time. He submits that still some more prosecution witnesses are to be examined and therefore the trial is likely to take some more time. He further prays that in this pandemic situation, 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