

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

(202)

CRM-M-18237-2020

Date of Decision: August 24, 2020

Shanu @ Kaka

.. Petitioner

Versus

State of Punjab

.. Respondent

(Through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Jaideep Verma, Advocate, for the petitioner.

Mr. Bhavna Gupta, DAG, Punjab.

**HARSIMRAN SINGH SETHI, J.(ORAL)**

Present petition has been filed under Section 439 Cr.P.C for the grant of regular bail to the petitioner in FIR No.233 dated 21.07.2019 under Sections 363, 366-A, 376-DA, 354 IPC and Section 4 and 6 of the POSCO Act, registered at Police Station Sohana, District SAS Nagar, Mohali, Punjab.

Learned counsel for the petitioner submits that the prosecutrix in her statement has clearly stated that the petitioner is not connected with the allegations relating to Section 376 IPC. The statement of the prosecutrix has been appended as Annexure P-2 with this petition. Learned counsel for the petitioner further submits that the petitioner is already behind bars since 22.07.2019 and therefore, keeping in view the statement of the prosecutrix herself, the petitioner be granted the concession of bail.

Notice of motion.

Ms. Bhavna Gupta, Deputy Advocate General, Punjab, who has joined the proceedings through video conference, keeping in view the

service of advance copy of the petition, accepts notice on behalf of the respondent-State.

Learned counsel for the respondent-State contends that though, initially the prosecutrix, who was the minor girl, had clearly mentioned the name of the petitioner connecting him with the allegations in respect of Section 376 of IPC, but now while being examined, she did not name the petitioner relating him to the allegations in respect of Section 376 of IPC. Learned counsel for the respondent further submits that there are no other cases pending against the petitioner.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Once, while being examined the prosecutrix has not named the petitioner connecting him to the allegations under Section 376 of IPC, keeping him in further custody will not be appropriate, at this stage. The petitioner is already behind bars for the last more than one year and the trial, keeping in view the Covid-19 pandemic, is likely to take some time to finish.

Keeping in view the above, the petitioner has made out a case for the grant of regular bail.

In view of the above and without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of the trial Court/Duty Magistrate concerned.

Learned counsel for the petitioner undertakes that petitioner will not influence trial in any manner including influencing the witnesses and in case of default of the above undertaking, State will be at liberty to approach this Court for passing appropriate orders.

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

August 24, 2020  
*harsha/naresh.k*

(HARSIMRAN SINGH SETHI)  
JUDGE

Whether speaking/reasoned:    Yes/No  
Whether reportable:                Yes/No