

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

**CRM-M-18331-2020
Decided on : 29.07.2020**

Kamal Chawla

. . . Petitioner(s)

Versus

State of Punjab

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. Jagtar Singh Sidhu, Advocate
for the petitioner(s).

Ms. Monica Jalota, DAG, Punjab
assisted by ASI Ravinder Kumar.

MANJARI NEHRU KAUL, J.

Due to the outbreak of pandemic COVID-19, the instant case is being taken up for hearing through video conferencing.

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case FIR No. 17, dated 28.01.2020, under Sections 354, 506 of IPC, Section 10 of the POCSO Act, 2012, Section 67-A of IT Act, 2000 and Section 3 of the Scheduled Caste and Schedule Tribe (Prevention of Atrocities) Act, 1989 (added later on), registered at Police Station Bahav Wala, District Fazilka.

Learned counsel for the petitioner *inter alia* contends that it is a case of false implication and in fact, the only allegation which had been levelled against the petitioner is that he allegedly enticed the daughter of the complainant to part with her mobile phone and thereafter, he allegedly sent obscene messages to her. He further contends that a perusal of the FIR in question reveals that no offence under Section 10 of the POCSO Act, 2012,

is made out, as there was no medical examination was conducted on the

daughter of the complainant to support the allegations of any sexual assault on her. The petitioner is in custody since 06th March, 2020.

On the other hand, learned State counsel while opposing the submissions made by learned counsel for the petitioner, on instructions from ASI Ravinder Kumar, has submitted that the challan has been filed and now the case is fixed for framing of charges. She has conceded that there was no medico legal report with respect to the alleged attempt of rape of the daughter of the complainant.

Heard.

The petitioner has been in custody ever since his arrest on 06th March, 2020 and the trial is unlikely to conclude in the near future, more so in the prevailing conditions due to the outbreak of pandemic COVID-19. Accordingly, I deem it a fit case for grant of the concession of regular bail. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed as an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

July 29, 2020

J.Ram

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No