

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

(206)

CRM-M-18220-2020

Date of Decision: July 28, 2020

Harjinder Singh @ Soni

.. Petitioner

Versus

State of Punjab

.. Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. K.L. Saini, Advocate, for the petitioner.

Mr. S.P.S. Tinna, Addl. A.G., Punjab.
(keeping in view the advance copy given).

HARSIMRAN SINGH SETHI, J.(ORAL)

The petition has been taken for hearing through video conference due to Covid-19 pandemic.

The present petition has been filed under Section 439 Cr.P.C for the grant of regular bail to the petitioner in FIR No.08 dated 13.01.2019, under Sections 363, 366-A, 120-B IPC (Section 376 IPC and Section 4 of POCSO Act, 2012 added later on) registered at Police Station Nihal Singh Wala, District Moga.

Custody certificate of the petitioner has been filed by learned State counsel today and the same is taken on record.

Learned counsel for the petitioner submits that no allegation connecting the petitioner with the allegations to Section 376 of the IPC and Section 4 of the POCSO Act have been alleged in the FIR. Learned counsel for the petitioner further submits that allegations against the petitioner are only of helping the main accused Sikandar Singh in facilitating the prosecutrix leave her home. Learned counsel for the petitioner further

submits that the petitioner is already behind bars for the last more than one and half years and the challan has already been put up and the main witnesses including complainant have already been examined and therefore, petitioner be granted concession of regular bail.

Notice of motion.

Mr. S.P.S. Tinna, Additional Advocate General, Punjab, who has also joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice. Learned State counsel concedes that the allegations against the petitioner are only of helping the main accused Sikandar Singh and there are no other allegations which connect the petitioner with Section 376 IPC and Section 4 of the POCSO Act.

Learned State counsel further concedes that challan has already been put up and main witnesses including the prosecutrix and complainant have already been examined. It has been conceded by the learned counsel for the State that nothing has come against petitioner in the testimony of the witnesses examined so far, so as to relate the petitioner to the allegation under Section 376 IPC and Section 4 of the POCSO Act.

That being so, as the trial is likely to take some time and the petitioner is behind bars for the last more than one and half years and there are no other cases pending against the petitioner for which the petitioner is required, the petitioner has made out the 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.

July 28, 2020
harsha/naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

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