

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

CRM-M-18646-2020

Date of decision: 31.7.2020

Bunty

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr.Ashish Aggarwal, Advocate for the petitioner

Mr.Mehardeep Singh, Addl.AG, Punjab
assisted by ASI Devinder Singh

JITENDRA CHAUHAN, J.

The matter has been taken up through video-conferencing in the light of the pandemic Covid-19 situation and as per instructions.

By way of the present petition, the petitioner is seeking regular bail in case FIR No.74, dated 12.5.2019 registered under Sections 363, 376-D IPC and Sections 4 & 5 of the Protection of Children from Sexual Offence Act, 2012 at Police Station City Patti, District Tarn Taran.

Learned counsel for the petitioner refers to the statements of PW-1 Manjinder Kaur, complainant, PW2 the prosecutrix and PW3 Surjit Singh, Annexure P-3 (Colly) made before the learned trial Court on 22.10.2019 & 22.1.2020. They have not supported the case of the prosecution. Rather it has specifically come in their statements that neither they had seen the petitioner nor the prosecutrix was kidnapped or raped by him.

On the other hand, learned State counsel opposes the prayer of the petitioner. Out of 16 PWs, 7 PWs have already been examined.

Heard.

Keeping in view the fact that the petitioner is in custody since 15.5.2019; out of 16 PWs, only 7 have been examined so far and the conclusion of the trial will take a long time; the Court feels that the further incarceration of the petitioner is not warranted at this stage.

In view of the above, the present petition is allowed and the petitioner is ordered to be released on bail during the pendency of trial on his furnishing bail bonds/ surety bonds to the satisfaction of the trial Court/ CJM/ Duty Magistrate.

However, anything noticed hereinabove, shall not be construed as an expression of opinion on the merits of the case.

31.7.2020
gsv

(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned?
Whether reportable?

Yes / No
Yes / No