

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

CRM-M-18592-2020 (O&M)

Date of decision : 31.07.2020

Sukhchain Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Bhavyadeep Walia, Advocate,
for the petitioner.

Mr. Mehardeep Singh, Addl.A.G., Punjab.

JITENDRA CHAUHAN, J. (Oral)

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

The instant petition has been preferred under Section 439 Cr.P.C. seeking bail in FIR No.86 dated 22.08.2019, registered under Sections 376, 363, 366-A and 120-B of the Indian Penal Code and Section 4 of the Protection of Children against Sexual Offences Act, 2012, at Police Station Sadar Moga.

Learned counsel refers to the statements of the prosecutrix (Annexure P -2) and the complainant (Annexure P-3) and contends that both the witnesses have not supported the case of the prosecution. There is a delay of eight days in lodging the FIR as the alleged occurrence took place on 14.08.2019, whereas, the FIR came to be registered on 22.08.2019. The petitioner is in custody since 24.08.2019.

On the other hand, learned State counsel has opposed the instant petition and contends that the prosecutrix was minor at the time of

the incident. However, on instructions, learned State counsel has acknowledged the factum of the prosecutrix and the complainant having not supported the prosecution version.

Heard.

The prosecutrix as well as her father, the complainant, have not supported the case of the prosecution. The petitioner is behind the bars since 24.08.2019. The challan stands presented and the charges have been framed. Out of twelve prosecution witnesses, only four have been examined and thus, it can safely be inferred that the conclusion of trial may take considerable time. Therefore, this Court feels that keeping the petitioner under further incarceration will not serve any purpose.

In view of the above, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on furnishing bail bonds and surety bonds, to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

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

31.07.2020
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(JITENDRA CHAUHAN)
JUDGE

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