

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

106

CRM-M-18863-2020

Date of Decision:16.07.2020

Rohit Tangotra

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

**Present: Mr. Varinder Basa, Advocate,
for the petitioner.**

Mr. Gaurav Dhuriwala, Sr. D.A.G., Punjab.

HARI PAL VERMA, J.(Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Prayer in this 2nd petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.207 dated 16.11.2018 under Sections 376-D, 506 IPC and Sections 3 & 4 of the POCSO Act, registered at Police Station City Batala, Tehsil Batala, District Gurdaspur.

The earlier petition i.e. CRM-M-29737-2019 filed by the petitioner was disposed of by this Court vide order dated 22.10.2019 with a direction to the trial court to make an endeavour to examine the remaining PWs on the date fixed i.e. 24.10.2019 and if the PWs are not examined on 24.10.2019, the trial court shall make an endeavour to conclude the prosecution evidence within one month from the date of order passed by this Court i.e. 22.10.2019.

Learned counsel for the petitioner submits that all the

prosecution witnesses have been examined and now the case is fixed for 24.07.2020 before the trial court for defence evidence. He has brought to the notice of this Court statement of the prosecutrix-PW1 in the case and states that she has been turned hostile. Petitioner is in custody since 16.11.2018 and trial in the case is not likely to be concluded in the near future due to COVID-19 pandemic situation.

Learned State Counsel does not dispute the custody period of the petitioner.

Heard learned counsel for the parties.

Petitioner is in custody since 16.11.2018. All the prosecution witnesses have been examined and the case is now fixed for defence evidence on 24.07.2020 before the trial court. The prosecutrix having been declared hostile in the case and in view of COVID-19 pandemic situation, trial is not likely to be concluded in the near future, thus, this Court deems it appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate.

However, it is made clear that the observations made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall proceed with the trial independently without being influenced by the order of bail passed by this Court.

July 16, 2020
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No