

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

**CRM-M-19323-2020 (O&M)**  
**(Heard through VC)**  
**Date of decision: 06.08.2020**

**Roop Singh @ Happy****....Petitioner(s)****V/s.****State of Punjab****....Respondent(s)****CORAM: HON'BLE MS. JUSTICE RITU BAHRI.**

Present: Mr. Achin Gupta, Advocate for the petitioner.

Mr. J.S.Ghuman, DAG, Punjab.

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**Ritu Bahri, J. (Oral)**

This petition under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case F.I.R. No. 194 dated 30.10.2019 under Sections 376 and 506 of Indian Penal Code, 1860 and Sections 5 and 6 of POSCO Act, 2012 (Sections 376-D/34 IPC, 1860 added later on) registered at Police Station City Kotkapura, District Faridkot.

Learned counsel for the petitioner argued that no role has been attributed to the present petitioner with respect to offence under Section 376 IPC in the FIR.

Learned counsel for the State, on instructions from ASI Iqbal Singh, informed that the petitioner is in custody since 04.11.2019. The challan has been presented on 03.01.2020 and charges are yet to be framed. He has further informed that however in the statement recorded under Section 164 Cr.P.C. of the prosecutrix, the petitioner has been nominated as an accused.

Keeping in view that the petitioner is in custody since 04.11.2019 and the trial is not likely to be concluded in the near future

because of the prevailing COVID-19 pandemic situation, this petition is allowed and the petitioner is ordered to be enlarged on bail to the satisfaction of the concerned Chief Judicial Magistrate/Duty Magistrate.

Pending application stands disposed of.

**06.08.2020**

**Divyanshi**

**RITU BAHRI  
(JUDGE)**

**Whether speaking/reasoned:**

**Yes/No**

**Whether reportable:**

**Yes/No**