

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-19359-2020
(Heard through VC)
Date of decision: 06.08.2020

Sukhwinder Singh @ Sunil KumarPetitioner(s)

V/s.

State of PunjabRespondent(s)

CORAM: HON'BLE MS. JUSTICE RITU BAHRI.

Present: Mr. Hitesh Ghai, Advocate for the petitioner.

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

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. 89 dated 27.03.2018 under Sections 363, 366-A and 376 of Indian Penal Code, 1860 and Section 6 of POSCO Act, 2012 (added later on) registered at Police Station Sadar, Ludhiana.

Learned counsel for the State, on instructions from ASI Ranjit Singh, informed that the petitioner has been in custody since 11.04.2018 and out of 17 witnesses, 9 witnesses have been examined, 1 witness has given up and only 7 witnesses are remained to be examined.

Learned counsel for the petitioner has referred to the statement given by prosecutrix under Section 164 Cr.P.C. (Annexure P-2) where she categorically stated that she knew the petitioner for the last three years and she was in love with him and her parents had given her severe beatings when she disclosed this fact to her parents. She had accompanied petitioner and stayed in Amritsar, Delhi and thereafter on 16.04.2018, they have been brought back by the Ludhiana Police. He further referred to cross-examination of prosecutrix (Annexure P-4) where she stated that at the time

of recording her statement there was nobody in the Court to give her threat.

The petitioner has been in custody for almost 2 years, 3 months and 17 days since 11.04.2018 and the 7 witnesses are not likely to be examined in the near future because of the prevailing COVID-19 pandemic situation.

Hence, without expressing any opinion on the merits of the case, 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.

06.08.2020**Divyanshi****RITU BAHRI
(JUDGE)****Whether speaking/reasoned:****Yes/No****Whether reportable:****Yes/No**