

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

CRM-M-19400-2020

Date of Decision : 06.08.2020

Harish Kumar

....Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA

Present: Mr.A.P.Kaushal, Advocate
for the petitioner.

Mr.A.A.Pathak, Addl.AG, Punjab.

...

TEJINDER SINGH DHINDSA, J.(ORAL)

Matter has been taken up through Video Conferencing via Webex facility in the light of the COVID-19 situation and as per instructions.

Petitioner seeks benefit of regular bail pending trial in FIR No.98 dated 10.09.2019 under Sections 376/420/506 IPC and 6 of POCSO Act, 2012, registered at Police Station Division No.2, Pathankot.

Counsel for the parties have been heard.

FIR came to be registered on the statement of Simranjit Kaur daughter of Balkar Singh. Allegations are that the complainant was induced into physical relations on the false pretext that the petitioner/accused would enter into matrimony. The first occurrence is stated to be of 16.08.2018.

Counsel for the petitioner has argued that there is unexplained delay in lodging of the FIR. That apart even though the

complainant has alleged that she only subsequently became aware that the petitioner is a married person with three children but at the same time claims that the accused was a friend of her brother.

There is an inordinate delay of more than one year in lodging of the FIR. The submission advanced by counsel as regards false implication cannot be said to be without merit. If the version of the complainant is to be believed that the petitioner is a close friend of her brother, then she would have certainly known that the petitioner is a married person. The petitioner has faced incarceration since 10.09.2019. Investigation in the case is complete and challan has already been presented. Charges have been framed and examination-in-chief of the complainant already stands recorded by the trial Court.

It is not the case made out on behalf of the State that the petitioner, if granted benefit of bail, would be in a position to hamper the course of a free and fair trial.

In view of the above and coupled with the length of custody already suffered by the petitioner and without making any observation on merits, he is held entitled to the benefit of bail.

Petitioner be enlarged on bail on his furnishing bail bond/surety bond to the satisfaction of the trial court/Duty Magistrate, Pathankot.

Disposed of.

06.08.2020
dss

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No