

CRM-M-20403-2020

Date of decision :10.08.2020

Mohd. Yamin

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Ishan Gupta, Advocate for the petitioner.
Mr. Randhir Singh Thind, AAG Haryana.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

The present petition has been filed under Section 439 CrPC for grant of concession of regular bail to the petitioner in FIR No.210 dated 09.12.2019 registered under Section 363, 366-A IPC and subsequently added Section 376 (2) (n) IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012 at Police Station Amargarh, District Sangrur.

It has been contended by the learned counsel for the petitioner that the Prosecutrix had refused to get herself medically examined stating that nothing wrong had happened to her. A copy of the said medical report dated 01.12.2019 has been annexed as Annexure P-2 with the petition. He further contends that the statement of the Prosecutrix has also been recorded under Section 164 of the Code of Criminal Procedure, 1973 and she has not supported the case of the prosecution.

Notice of motion.

On the asking of the Court, Mr. Randhir Singh Thind, DAG Punjab has put in appearance. He has stated on instructions from ASI

Malkeet Singh that though charges have been framed on 19.02.2020 however, no witness has been examined till date. He further states that he is not in a position to deny that the Prosecutrix has not supported the case of the prosecution in the statement recorded under Section 164 CrPC.

In view of the submissions made by learned counsel for the parties and keeping in view the fact that the petitioner has been behind the bars since 09.12.2019 and that the trial is unlikely to conclude in the near future in view of the current scenario in the wake of outbreak of the COVID-19 pandemic, I deem it to be a fit case to grant the concession of regular bail to the petitioner. The petitioner is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of the Trial Court/Duty Magistrate, concerned.

However, it is made clear that nothing observed herein shall be construed as an expression on the merits of the case. The prosecution will always be at liberty to get the bail cancelled in case the petitioner is found to be misusing the concession of bail in any manner.

Disposed off.

August 10, 2020
Kv

(ALKA SARIN)
JUDGE

NOTE:

Whether speaking :	Yes/No
Whether reportable :	Yes/No