

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-20464-2020(O&M)****Date of decision :10.08.2020**

Ravi Kumar @ Ravi

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Vikas Arora, Advocate for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

Mr. G.S. Sidhu, Advocate for the complainant.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

This is a petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.54 dated 17.03.2020 under Sections 363 and 366-A of the Indian Penal Code, 1860 and Sections 376(2)(n) IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012 added later on, registered at Police Station City 1, Sangrur, District Sangrur.

It has been contended by learned counsel for the petitioner that the FIR has been lodged by the father of the Prosecutrix who was 17 years of age at the time of the alleged occurrence. He has further contended that the Prosecutrix, in her statement under Section 164 of the Code of Criminal Procedure, has stated that she had gone to Naina Devi on her own accord and due to the lock down she could not return. She has further stated that she had left her mobile phone at home.

Learned counsel for the petitioner would further contend that the Prosecutrix had refused to get herself medical examined. The petitioner has been in custody since 13.03.2020 and the trial is likely to take time.

Learned counsel for the petitioner has also relied upon an affidavit dated 17.06.2020 given by the complainant wherein he has stated that the petitioner has not committed any offence against his daughter and that he had named him under some confusion.

On the asking of the Court, Mr. Randhir Singh Thind, DAG, Punjab has joined the proceedings through video conferencing and on instructions from ASI Jasvir Singh states that he is not in a position to deny that the Prosecutrix in her statement under Section 164 of the Code of Criminal Procedure has stated that she had gone to Naina Devi on her own accord and could not return due to the lock down and that she had left her mobile phone at home.

In view of the above and without commenting on the merits of the case and considering the fact that the conclusion of the trial would take some time especially in the prevailing conditions due to the Covid-19 Pandemic, I deem this to be a fit case for grant of regular bail. The petition is, hence, allowed. The petitioner shall be released on bail on furnishing bail and surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, 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.

10.08.2020
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE:

Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO