

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

CRM-M-20459-2020

Date of decision :10.08.2020

Harchand Singh @ Chand

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Gursimran Simran Bawa, Advocate
for the petitioner.

Mr. Randhir Singh Thind, DAG Punjab.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of concession of regular bail to the petitioner in FIR No.131 dated 23.04.2020 registered under Sections 363, 366 of the Indian Penal Code, 1860 and Section 376 IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012 added later on at Police Station Maqboolpura, Distt Amritsar.

It has been contended by the learned counsel for the petitioner that the petitioner and the Prosecutrix have been in a relationship for the past over one year. The FIR was lodged by the mother of the Prosecutrix on 23.04.2020. On 24.04.2020 the petitioner and the Prosecutrix had approached the Court of Additional Sessions Judge for grant of protection and after the passing of the order dated 24.04.2020 they were living together till 26.05.2020 when the petitioner was arrested. It has

further been contended that the Prosecutrix is now pregnant with the child of the petitioner and is due for delivery in the month of September.

Notice of motion.

On the asking of the Court, Mr. Randhir Singh Thind, DAG Punjabhas put in appearance through video conferencing on behalf of the State and on instructions from ASI Jeewan Singh has stated that the Prosecutrix was recovered on 26.05.2020 and was thereafter taken for medical examination on 27.05.2020 and she was found to be pregnant. The challan has been presented in the case.

In the present case both the Prosecutrix and petitioner had approached the Court for grant of protection and were granted protection by the Court vide order dated 24.04.2020. The petitioner and the Prosecutrix have been in a relationship and were living together till 26.05.2020. The Prosecutrix is now also expecting the child of the petitioner.

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 26.05.2020 and 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/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

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