

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

CRM-M-20589-2020 (O&M)

Date of Decision: 11.08.2020

Yudhveer Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. B.S. Jatana, Advocate for the petitioner.

Mr. A.S. Sandhu, Addl. A.G. Punjab.

TEJINDER SINGH DHINDSA J.(Oral)

This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

Petitioner seeks regular bail pending trial in FIR No.23 dated 08.02.2020 under Sections 363, 366-A IPC and subsequently added Section 376 IPC and Section 3 and 4 of the POCSO Act, 2012 registered at police station Bhikhi, District Mansa.

Counsel for the parties have been heard.

It has gone uncontroverted that initially the FIR had been lodged under Section 363 and 366-A of IPC on the basis of a complaint lodged by father of the prosecutrix.

Subsequently offence under Section 376 IPC and Section 3 and 4 of the Protection of Children from Sexual Offences Act 2012 have been added.

Counsel for the petitioner has categorically asserted that no medical examination of the prosecutrix had been conducted and there was

no material to assume that the prosecutrix was a minor.

Learned State counsel informs the Court that the prosecutrix as also the father had declined the medical examination.

The statement recorded of the prosecutrix under Section 164 Cr.P.C. Before the learned CJM, Mansa, has also been adverted to at Annexure P-3 and a perusal of the same would reveal that there are no allegations of rape.

Petitioner was arrested on 09.02.2020.

Investigation having been completed the challan has been presented.

Trial is at the very initial stage and would take time to conclude, particularly keeping in view the current Covid-19 situation.

The offences under Section 376 IPC and under the POCSO Act whether made out would be moot issues to be dealt with by the Trial Court on the basis of evidence adduced.

In an overview of the matter and without making any observation on merits, petitioner is held entitled to the benefit of bail.

Petitioner be enlarged on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate, Mansa.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

11.08.2020

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