

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

CRM-M-20683-2020

Date of decision: 15.9.2020

Kuldeep Kumar @ Kallu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr.Tarundeep Kumar, Advocate for the petitioner

Mr.Vikrant Pamboo, DAG, Haryana

JITENDRA CHAUHAN, J.

The matter has been taken up through video-conferencing in the light of the pandemic Covid-19 situation and as per instructions.

By way of the present petition, the petitioner is seeking regular bail in case FIR No.138, dated 24.3.2020 registered under Sections 328, 363 IPC and Section 6 of POCSO Act (Section 328 IPC and Section 6 POCSO Act stand deleted and Section 366-A IPC and Sections 8, 17 of POCSO Act have been added later on) at Police Station Kurukshetra University, District Kurukshetra.

Learned counsel refers to Annexure P-1 to contend that the prosecutrix being a friend of co-accused Sanjay accompanied voluntarily. After spending time together, she was dropped back. Co-accused Sanjay and the prosecutrix propose to marry each other as reflected in the statement dated 25.3.2020 (Annexure P1) of the prosecutrix recorded under Section

164 Cr.P.C. made before Duty/ Judicial Magistrate, First Class, Kurukshetra.

He further states that the prosecutrix refused the medical examination. The petitioner is in custody since 1.4.2020. The petitioner is a young boy of 19 years. There is no definite proof of age of the prosecutrix.

On the other hand, learned State counsel opposes the prayer of the petitioner and states that challan stands presented. Out of 11 PWs, none has been examined so far.

Heard.

Keeping in view the fact that the petitioner is a young boy of 19 years; the statement under Section 164 Cr.P.C.; subsequent conduct of the prosecutrix in refusing to get the MLR done on her; the petitioner is in custody since 1.4.2020; out of 11 PWs, none has been examined so far, therefore, there is total uncertainty about the conclusion of the trial, particularly in the present scenario of Covid -19 pandemic, the Court feels that no useful purpose will be achieved by keeping the petitioner under further incarceration.

In view of the above, the present petition is allowed and the petitioner is ordered to be released on bail during the pendency of trial on his furnishing bail bonds with two local sureties to the satisfaction of the trial Court/ CJM/ Duty Magistrate.

However, anything noticed hereinabove, shall not be construed as an expression of opinion on the merits of the case.

15.9.2020

gsv

(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No