

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

CRM-M-20773-2020

Date of decision: 24.8.2020

Malkit Singh @ Malkiat Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr.Vikas Gupta, Advocate for the petitioner

Mr.Mehardeep Singh, Addl.AG, Punjab

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.

Earlier CRM-M-35148-2017 filed by the petitioner for grant of anticipatory bail was allowed vide order dated 10.10.2017. Thereafter, Section 376 IPC was added and the prosecutrix was heard in person. The second petition for pre-arrest bail i.e. CRM-M-14017-2019 was declined by this Court vide order dated 13.12.2019. Thereafter, the petitioner surrendered before the learned trial Court on 31.1.2020. This is the first bail application under Section 439 Cr.P.C filed by the petitioner, in case FIR No.95 dated 16.6.2017, registered under Sections 363, 366-A IPC (Section 376 IPC and Section 4 of POCSO Act were added later on) at Police Station, Sadar Patti, District Tarn Taran.

Vide order dated 13.12.2019 passed in CRM-M-14017-2019,

this Court had directed the trial Court to conclude the trial expeditiously preferably within three months from the date of receipt of the certified copy of the order. However, the same has not been decided till date.

Learned State counsel on telephonic instructions from ASI Kashmir Singh informs that out of 21 PWs, five witnesses including the prosecutrix have already been examined.

Heard.

Considering the totality of the circumstances and in view of the COVID-19 pandemic crisis, the Court feels that the trial is not likely to be concluded in near future, therefore, further incarceration of the petitioner is not warranted at this stage.

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 of the like amount to the satisfaction of the trial Court/ CJM/ Duty Magistrate.

However, the petitioner shall not make any efforts to contact the complainant/ prosecutrix directly or indirectly. In case such an effort is made, the State shall take immediate notice thereof and inform this Court.

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

24.8.2020
gsv

(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned?
Whether reportable?

Yes / No
Yes / No