

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

211 - CRM-M-21022-2020
Date of Decision: 09.09.2020

Jaspal Rai

... Petitioner

VS.

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. Sandeep Wadhawan, Advocate for the petitioner

Mr. Amar Ashok Pathak, Addl. AG Punjab

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video conferencing on account of lockdown due to outbreak of COVID-19 pandemic.

The petitioner Jaspal Rai aged 57 years has filed the present petition *inter alia* with a prayer for grant of regular bail in case FIR No.213 dated 04.11.2019 under Section 10 of POCSO Act, 2012 registered at PS Lopoke, District Amritsar.

Learned counsel based upon the pleadings submits that firstly there is a delay of 2 days in registering of the FIR. Secondly, it is submitted that the complainant himself has filed an affidavit dated 14.01.2020 to the effect that he had earlier leveled allegations against the petitioner due to some misunderstanding and on the asking of the villagers to implicate him. It is further stated in the affidavit that the petitioner has not conducted any wrong with his daughter. Learned counsel further submits that out of a total of 09 witnesses, only one witness i.e. the complainant himself has been examined till date. The complainant in his statement has not supported the version in the FIR.

Learned State counsel, on instructions from ASI Deep Singh, affirms that there are a total of 9 witnesses out of which only one has been examined till date. The next date of hearing fixed before the trial Court is 21.09.2020.

Counsel then submits that petitioner is in custody since 05.11.2019 and due to the present COVID-19 situation, his detention in jail is dangerous to his life, therefore, the petitioner may be granted concession of regular bail.

In view of the peculiar facts as noticed above, considering the existing situation due to COVID-19 and the fact that trial is likely to take some time, this Court deems it appropriate to direct the release of the petitioner on regular bail subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the Duty Magistrate/trial court concerned.

However, it is made clear that anything observed herein shall not be construed as an expression on merits of the case.

09.09.2020

vishal shonkar

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

(Girish Agnihotri)
Judge

Yes/No
Yes/No