

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-21360-2020 (O&M)

Date of Decision: 13.08.2020

Lakhwinder Singh

... Petitioner

VS.

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. JS Thakur, Advocate for the petitioner

Ms. Bhavna Gupta, DAG 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.

Petitioner-Lakhwinder Singh, stated to be aged 27 years, has filed the present petition *inter alia* with a prayer for grant of regular bail in case FIR No.200 dated 06.08.2018, registered under Sections 363, 366-A IPC, 1960 and Section 8 of The Protection of Children from Sexual Offences Act, 2012 (Section 376 IPC added later on) at Police Station Division No.6, District Jalandhar Commissionerate.

Learned counsel for the petitioner submits that the petitioner was arrested on 13.08.2018 and thus, has almost completed nearly two years of custody. He submits that after presentation of challan, only 7 witnesses have been examined out of 28.

Counsel relies upon the order dated 09.07.2020 passed in **CRM-M-16283-2020 (Anil Kumar vs. State of Punjab)** (P2) vide which the co-accused has been granted the concession of regular bail by this Court. It appears from the order dated 09.07.2020 that reference has been made to the *zimni* orders dated 20.09.2019, whereby it has been recorded

that no PW is present. It has been further recorded that let PWs be again summoned as per previous orders, for 27.09.2019. Production warrants of accused were also issued.

Counsel further submits that the complainant-Basant Gupta as per FIR, is stated to be resident of West Bihar. He therefore submits that since long time, no one is appearing from the complainant side. It is further submitted that due to the present COVID situation, the trial is likely to take some time and detention of the petitioner in jail would be dangerous to his life, the petitioner may be granted concession of regular bail.

Learned State counsel though opposes the bail to the present petitioner on merits, however, has not been able to deny the facts.

In view of the peculiar facts and circumstance as noticed above, considering the existing situation due to COVID-19 situation and the fact that trial is likely to take time, this Court deems it appropriate to direct release of the petitioner on regular bail to the satisfaction of trial Court/Duty Magistrate concerned, subject to his furnishing bail/surety bonds. However, it is made clear that anything observed herein shall not be construed as an expression on merits of the case.

The petition stands disposed of accordingly.

13.08.2020

vishal shonkar

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

(Girish Agnihotri)
Judge

Yes/No
Yes/No