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

CRM-M-21243-2020

Date of Decision: 13.08.2020

Krishan Kumar**.. Petitioner****Vs.****State of Haryana****..Respondent****CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Mr. Parminder Singh, Advocate for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

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Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail, pending trial in case FIR No.204 Dated 16.07.2019 under Sections 363, 346, 366-A and 328 IPC, 1980 and Section 6 POCSO Act, 2012, registered at Police Station Taraori, District Karnal. The petitioner is in custody since his arrest on 09.11.2019.

The above FIR registered on the statement given by Ranjit Kumar reads as under:-

“To the SHO Sahib Police Station Taraori. Sir, it is submitted that I, Ranjit Kumar son of Hira Lal, Caste Passi, am resident of Ward No.8, Dodwa Taraori. Yesterday on 15.07.2019 morning time at about 3-4 my daughter Karamwati @ Komal missing from my house, whose age is about 15 years colour fair, brown eyes, height 4'7”. The police may help us in tracing her.”

Learned counsel for the petitioner contends that the complainant had lodged the FIR regarding missing of his daughter, namely, Karamwati @ Komal, who was later on recovered on 06.11.2019. It is pointed out that there is no allegation levelled by the victim regarding alleged rape even in her statement under Section 164 Cr.P.C. (Annexure

the medical examination of the victim was not conducted as she refused for the same. Learned counsel has contended that in the given facts, the offence punishable under Section 376 IPC would not be made out. He prays that the petitioner be released on bail during the pendency of the trial.

On the other hand, learned State counsel assisted by ASI krishan Lal, has not disputed this fact that the medical examination of the victim was not conducted as she refused for the same. He has submitted that the investigation of the case is complete and the final report stands filed on 14.01.2020, but trial is yet to commence.

Considering the above background, this Court does not find any reason to decline the prayer of the petitioner as the trial is likely to consume considerable time, in the wake of outbreak of global pandemic, namely, COVID-19 in the region as certain restrictions have been imposed by State Government and District Administration in order to curb its spread. The petitioner after his arrest on 09.11.2019 is presently confined in judicial custody, therefore, his further detention behind the bars may not be justified. Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate Karnal.

The petition is allowed.

13.08.2020

Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No