

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

205

CRM-M-21751-2020 (O&M)
Date of decision: 13.08.2020

Varinder Singh Bhinder

....Petitioner

versus

State of Punjab

....Respondent

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. Ankur Bansal, 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 restrictions due to outbreak of pandemic COVID-19.

Petitioner-Varinder Singh Bhinder, stated to be aged 47 years, has filed the present petition under Section 439 Cr.P.C., *inter alia* with a prayer for grant of regular bail in case FIR No.83 dated 15.07.2020, registered under Section 376 IPC, Sections 3, 4 & 8 of Protection of Children from Sexual Offences Act and Section 3(1) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, at Police Station Patara, District Jalandhar.

Learned counsel for the petitioner based on the pleadings, submits that reading of the FIR clearly shows that in the entire FIR, there is no allegations against the petitioner except that in the last four lines it is

alleged that the petitioner remained talking to sister of the complainant by stopping her downstairs. Learned counsel then makes reference to the statement under Section 164 Cr.P.C., made by the prosecutrix, to say that even at that stage, there is no serious allegation against the petitioner.

Learned State counsel submits that the chemical examination report is still awaited and further the challan is yet to be presented. She also opposes the bail on merits.

Faced with the situation, learned counsel for the petitioner submits that due to the present COVID-19 situation, detention of the petitioner in jail would be dangerous to his life and also the fact that trial is likely to take some time, the petitioner may be granted concession of regular bail.

In view of the peculiar facts noticed above and the present situation due to COVID-19, this Court deems it appropriate to direct release of the petitioner on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned, subject to his furnishing bail bonds/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.

(GIRISH AGNIHOTRI)
JUDGE

13.08.2020

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Whether speaking/ reasoned:

Yes/No

Whether Reportable:

Yes/No