

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

206

CRM-M-21755-2020

Date of decision: 13.08.2020

Karam Singh @ Prince

....Petitioner

versus

State of Haryana

....Respondent

CORAM: Hon'ble Mr. Justice Girish Agnihotri

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

Mr. Munish Sharma, AAG, Haryana.

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-Karam Singh @ Prince, stated to be aged 25 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.152 dated 21.07.2019, registered under Sections 4 & 7 of POCSO Act, at Police Station Barara, Ambala.

Learned counsel for the petitioner submits that the petitioner was arrested more than one year back i.e. 21.07.2019. He submits that in fact, on 31.07.2019, Barkha Ram-father of the petitioner had made a written request to the Superintendent of Police, Ambala (Annexure P-2), to conduct the enquiry. He has submitted that in case, enquiry is conducted, it would clearly show that mobile of the petitioner would have different locations

from the place of alleged incident.

Learned State counsel submits that consent of minor will not be relevant as prosecutrix was not major at the time of alleged incident. On asking of the Court, he further submits that charges were framed on 19.10.2019. There are total of 18 witnesses, but, none has been examined till date.

Faced with the situation, learned counsel for the petitioner submits that the petitioner is behind bars since last more than one year and 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