

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

CRM-M-21797-2020(O&M)

Date of decision: 07.10.2020

Sandeep Singh

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Manpreet Singh Dua, Advocate for the petitioner.

Mr. M.S. Nagra, AAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

The petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 149 dated 13.12.2019 registered under Section 376 IPC and Section 4 of the POCSO Act, at Police Station Sadar Jalalabad, District Fazilka.

Learned counsel for the petitioner states that the petitioner has falsely been involved in the present case, which is evident from the affidavit dated 28.12.2019 (Annexure P-2) executed by the prosecutrix, her parents and her elder brother, stating therein that the petitioner is not known to the deponents and has not committed rape upon the prosecutrix. Moreover, the petitioner has been in custody since 01.06.2020.

Learned State counsel contends that there are specific allegations against the petitioner and the co-accused regarding the commission of crime. It is further contended that as the matter is pending trial, affidavit if any, executed by the prosecutrix, her parents and her elder brother, has no legal authenticity and no benefit thereof can be derived by the petitioner.

Faced with this situation, the learned counsel for the petitioner contends that the present petition may be disposed of with a direction to the learned trial Court to record the statement of the prosecutrix within a stipulated period, preferably on the next date of hearing.

In view of the above, the present petition is disposed of with a direction to the learned trial Court to record the statement of the prosecutrix on the date fixed or on any other convenient date, through video conferencing, if available.

(HARNARESH SINGH GILL)
JUDGE

07.10.2020

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No