

CRM-M-22181-2020

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(PROCEEDINGS THROUGH V.C.)

CRM-M-22181-2020

Date of Decision: August 14th, 2020

Baljinder Singh & another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present Mr. Amaninder Singh Sekhon, Advocate for the petitioner.

Mr. B.S. Sewak, Addl. A.G., Punjab.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioners have approached this Court for grant of regular bail by filing this petition under Section 439 of the Code of Criminal Procedure, 1973, in FIR No.101, dated 22.11.2019, registered at Police Station Sadiq, District Faridkot, under Sections 354, 354-A, 341, 452, 323, 509 of the Indian Penal Code and Sections 11 and 12 of Protection of Children from Sexual Offence Act, 2012.

It is the contention of the learned counsel for the petitioners that the petitioners are not named in the FIR, which was recorded on 22.11.2019 and have been nominated in the present case vide DDR No.36, dated 10.01.2020. Petitioners were arrested in this case on 18.07.2020 and are in custody since then. Challan in this case stands presented and the trial is not likely to conclude in near future. He, therefore, prays for granted of regular bail to the petitioners.

CRM-M-22181-2020

Learned counsel for the State could not dispute these factual assertions of the counsel for the petitioners, however, he submits that the petitioners are involved in the commission of offence and be not granted the concession of regular bail.

I have gone through the contents of the FIR and considered the submissions of the learned counsel for the parties.

It is apparent that the petitioners have not been named in the FIR and have been nominated on the basis of the supplementary statement of the complainant, for which a DDR has been recorded on 10.01.2020 which is after a gap about 52 days of the registration of the FIR. The petitioners have not been attributed any active role in the commission of offence. Although challan has been presented in the present case but the trial is not likely to conclude in near future because of the prevailing pandemic circumstances.

In view of the above, this criminal miscellaneous petition is allowed. Petitioners are ordered to be released on bail subject to their furnishing bail and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, Faridkot.

Any observation made herein-above shall have no bearing on the merits of the case during the trial in any manner.

(AUGUSTINE GEORGE MASIH)
JUDGE

August 14th, 2020
Harish

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No