

CRM-M No.22638 of 2020

Date of Decision : 31.08.2020

Avtar Singh @ Ladi

...Petitioner

Versus

State of Punjab

....Respondent

Coram : Hon'ble Mr. Justice B.S. Walia

Present: Mr. Rajesh K. Dadwal, Advocate for the petitioner.
Mr. Randhir Singh Thind, DAG, Punjab.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to the outbreak of Covid-19 pandemic.
2. Prayer in the petition under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.0002 dated 12.01.2020, registered under Sections 363/366-A IPC at Police Station Sadar, Hoshiarpur, District Hoshiarpur.
3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present FIR by the complainant-Achhar Singh father of Rajji, whereas in fact the petitioner and Rajji on account of mutual liking for each other want to get married, in view of Rajji having attained majority in May, 2020.
4. Learned counsel further contends that the complainant's daughter-Rajji is residing in the petitioner's house despite the petitioner being in custody since 25.01.2020. Learned Counsel further contends that Challan has been filed but trial is not progressing due to the coronavirus pandemic and that in the circumstances, no useful purpose would be served,

by keeping the petitioner behind bars.

5. Learned DAG, Punjab, has filed affidavit dated 29.08.2020 of Shri Jagdish Raj, PPS, Deputy Superintendent of Police, Sub Division City, Hoshiarpur, that despite registration of the aforementioned FIR by the complainant, the complainant's daughter-Rajji is residing in the petitioner's house. Affidavit is taken on record.

6. In the light of the position as noted above, especially in view of the affidavit filed by the Deputy Superintendent of Police, Sub Division City, Hoshiarpur, as well as statement of the complainant, as also complainant's daughter of complainant's daughter-Rajji residing in the petitioner's house despite registration of the aforementioned FIR by the complainant, as also in view of the fact that the petitioner is in custody since 25.01.2020, challan has been filed but the trial not progressing on account of prevailing Corona Virus Pandemic, no useful purpose would be served by keeping the petitioner behind bars.

7. Accordingly, the petition for regular bail is ***allowed*** and the petitioner is ordered to be released on regular bail provided he is not required in any other case, subject to his furnishing bail/surety bonds to the satisfaction of the learned CJM/Trial Court/Duty Magistrate, concerned. Petitioner shall abide by the conditions contained in Section 437(3) Cr.P.C.

8. However, nothing stated hereinabove would be construed as an expression of opinion on the merits of the case.

(B.S. Walia)
Judge

August 31, 2020
'Rajneesh-Amit'