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IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-24315 of 2020

Date of Decision: October 14, 2020

Mukesh Kumar

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Sumit Sangwan, Advocate
for the petitioner

Mr. Amit Mehta, Sr. DAG Punjab

Sudhir Mittal, J. (Oral)

The petitioner seeks grant of regular bail in case FIR No. 96 dated 22.05.2019 registered under Sections 363, 366-A, 120-B IPC and Sections 3 and 4 of Protection of Children from Sexual Offences Act, 2012 (Section 376 IPC added later on) at Police Station Malout, District Sri Muktsar Sahib.

Learned counsel for the petitioner submits that the petitioner has been in custody since 18.03.2020. The trial is not likely to be concluded at an early date as not even a single PW has been examined. There is no other criminal case pending against the petitioner. The petitioner is cousin brother of the boy namely Bahadur who allegedly had a love affair with the prosecutrix and was in her village at the time of the alleged incident. The police has not collected call detail record to establish the presence of the petitioner at the time of the incident. Thus, the petitioner deserves to be granted regular bail.

Learned State counsel concedes that examination of PWs has not yet started and that there is no other criminal case pending against the petitioner.

Keeping in view the aforementioned facts, I deem it appropriate to

grant regular bail to the petitioner.

Accordingly, the petition is allowed and the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

October 14, 2020

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No