

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

205

CRM-M-24565-2020

Date of decision:31.08.2020

Jasan Kumar

....Petitioner

versus

State of Punjab

....Respondent

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. Vinod K. Kaushal, Advocate
for the petitioner.

Mr. Amar Ashok Pathak, Addl.A.G., Punjab.

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-Jasan Kumar, stated to be aged 19 years, has filed the present petition *inter alia* praying for grant of regular bail in case FIR No.175 dated 17.11.2019, under Sections 376, 506, 34 IPC (Sections 363, 366-A, 120-B, 109 IPC were added later on) and Section 4 of the Protection of Children from Sexual Offence Act, 2012, registered at Police Station Kamboj, District Amritsar Rural, Amritsar.

Learned counsel for the petitioner based on pleadings submits that the petitioner has been falsely implicated in the present case and even, as per the allegations in the FIR, no offence has been committed by the petitioner. He submits that the complainant, as per the allegations in the

FIR, kept sitting in the Auto of the petitioner for many hours. Learned counsel also submits that the petitioner is in custody since 17.11.2019 and has accordingly completed nearly 10 months of custody.

Learned State counsel, on instructions submits that challan has been presented. There are total of 20 witnesses but none has been examined till date. On the asking of Court, he further submits that the petitioner is not involved in any other case.

Faced with the situation, learned counsel for the petitioner submits that due to the present COVID-19 situation and also the fact that trial is likely to take some time, detention of the petitioner in jail is dangerous to his life.

In view of the peculiar facts as noticed above, considering the existing situation due to COVID and the fact that trial is likely to take time, this Court deems it appropriate to release 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

31.08.2020

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Whether speaking/ reasoned:

Yes/No

Whether Reportable:

Yes/No