

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

Sr. No.215

CRM-M-24554-2020

Date of decision: 27.10.2020

Satpal

....Petitioner

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Vivek K. Thakur, Advocate
for the petitioner.

Mr. J.S. Ghumman, DAG, Punjab.

* * *

DEEPAK SIBAL, J. (Oral)

Case taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.0073 dated 16.09.2019 registered under Sections 363/366-A/376 IPC and Sections 4 and 8 of the Protection of Children from Sexual Offences Act, 2012 at Police Station Begowal, District Kapurthala.

Learned counsel for the petitioner submits that the petitioner and the prosecutrix were in love and since that was not to be liking of her parents he has been falsely implicated in the present case; there is no other criminal case in which the petitioner is involved; the petitioner has been in custody since 16.09.2019; as per the challan on the date of arrest the petitioner and the prosecutrix were found in the company of each other showing credibility to the petitioner's version; material witnesses have already been examined and therefore the petitioner is not in a position to

exert any influence over them and that the petitioner's trial is not likely to conclude in the near future especially in the present circumstances when the world is facing the Covid-19 pandemic.

Learned State counsel opposes the grant of bail on the ground that the petitioner is accused of serious offences under Sections 376 IPC and Sections 4 and 8 of the POSCO Act.

The petitioner has been in custody since 16.09.2019; there is no other criminal case in which the petitioner is involved; material witnesses have already been examined before the Trial Court; for the last about 08 months no effective proceedings have been taken place in the petitioner's trial due to Covid-19 pandemic for which the petitioner cannot be blamed and in the given circumstances the petitioner's trial is not likely to conclude in the near future.

Keeping in view the totality of the above facts, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Kapurthala, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

(DEEPAK SIBAL)
JUDGE

October 27, 2020
Jyoti 1

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No