

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

213 - CRM-M-25791-2020
Date of Decision: 09.09.2020

Baljit Singh

... Petitioner

VS.

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. Rahul Bhargava, Advocate for the petitioner

Mr. Amar Ashok Pathak, Addl. AG Punjab

Ms. Aarti Kaur, Advocate for the complainant

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video conferencing on account of lockdown due to outbreak of COVID-19 pandemic.

Petitioner – Baljit Singh, stated to be aged 20 years, has filed the present petition under Section 439 CrPC *inter alia* praying for grant of regular bail in case FIR No.128 dated 16.08.2019 under Sections 376/506 IPC and Section 67 of IT Act, 2008 registered at PS Garhshankar, District Hoshiarpur.

Learned counsel for the petitioner submits that the petitioner and the complainant-victim were known to each other. He in fact refers to the compromise dated 25.02.2020 (P2) wherein Pooja Devi who was the complainant in the FIR is also signatory. It is stated therein that both the parties have agreed not to continue with the legal process in connection with the FIR. Learned counsel has then referred to the facts of the recording of the statement of Pooja Devi as noticed in the order dated 17.07.2020 (P3) passed by the Additional Sessions Judge, Hoshiarpur which is reproduced as under:-

“It is submitted that prosecutrix, who is major, has suffered statement in the court on 15.07.2020 to the effect that the present

case was registered against the applicant/accused on the basis of her statement, due to some misunderstanding and that the applicant/accused has not committed any illegal act with her. She further stated that she has no objection if the bail application of the applicant/accused is allowed. With these submissions, it is prayed that bail application may be allowed.”

Learned counsel for the complainant submits that she has instructions to say that the complainant has entered into a compromise and also supports the statement made by Pooja Devi as recorded by the trial Court on 15.07.2020 to the effect that the petitioner-accused has not committed any illegal act.

Learned State counsel, on instructions submits that there are 14 witnesses but none have been examined till date. The charges in this case have already been framed.

Counsel then submits that due to the present COVID-19 situation, detention of the petitioner in jail is dangerous to his life, therefore, petitioner may be granted concession of regular bail.

In view of the peculiar facts as noticed above, considering the existing situation due to COVID-19 and the fact that trial is likely to take some time, this Court deems it appropriate to direct the release of the petitioner on regular bail subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the Duty Magistrate/trial court concerned.

However, it is made clear that anything observed herein shall not be construed as an expression on merits of the case.

09.09.2020

vishal shonkar

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

(Girish Agnihotri)
Judge

Yes/No
Yes/No