

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

207 - CRM-M-25598-2020 (O&M)

Date of Decision: 08.09.2020

Neeraj Kumar

... Petitioner

VS.

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. JS Dadwal, Advocate for the petitioner

Mr. Sukhbeer, Singh, AAG Punjab

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-Neeraj Kumar, stated to be aged 20 years, has filed the present petition under Section 439 Cr. P.C. *inter alia* praying for grant of regular bail in case FIR No.0138 dated 19.07.2019, under Sections 376-D, 506 of IPC, registered at Police Station Sarabha Nagar, District Ludhiana.

Learned counsel for the petitioner submits that in the connected case i.e. CRM-M-32975-2019, notice of motion was issued. In that case, the prayer was for quashing of FIR No.138 dated 19.07.2019, under Sections 376-D, 506 of IPC, registered at Police Station Sarabha Nagar, District Ludhiana, on the basis of compromise dated 30.07.2019. Learned counsel submits that based on the said compromise, quashing petition i.e. CRM-M-32975-2019, was filed. He submits that the petitioner has not been named in the FIR and was arrested on 31.03.2020.

Learned State counsel, on instructions, submits that there are total of 17 witnesses, but none has been examined till date. He further submits that the challan has been presented on 11.05.2020.

Faced with the situation, learned counsel for the petitioner submits that the trial is likely to take some time as till date, no witness has been examined and also the fact that compromise has been effected between the parties, petitioner may be granted concession of regular bail.

In view of the peculiar facts as noticed above, considering the fact that trial is likely to take some time and due to COVID situation as also the fact that the compromise has been effected between the parties, this Court deems it appropriate to direct the release of 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.

08.09.2020

vishal shonkar

(Girish Agnihotri)
Judge

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

Yes/No
Yes/No