

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(through video conferencing)**

CRM-M-26054-2020
Decided on : 10.09.2020

Aparapar Singh @ Money

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Nandan Jindal, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab
assisted by ASI Inder Singh.

Manjari Nehru Kaul, J.

Instant petition has been filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.60 dated 05.07.2018 under Sections 363, 366-A IPC (Sections 376 and 120-B IPC and Section 4 of POCSO Act 2012 added later on) registered at Police Station Kotwali Nabha District Patiala.

Learned counsel for the petitioner inter alia contends that the petitioner has been falsely implicated in the FIR in question. He further contends that the petitioner is in custody for more than 2 years having been arrested on 08.07.2018 and till date, 5 out of the 16 prosecution witnesses cited so far have been examined. Learned counsel for the petitioner submits that all the material witnesses including the prosecutrix and the doctor have since been examined. He has also drawn the attention of this Court to the MLR of the prosecutrix, wherein, no external injury mark was found present on the person of the prosecutrix and the hymen too was found intact with no fresh bleeding seen. It has been thus urged that the essential ingredients to attract the provisions of Section 376 IPC are clearly amiss.

Per contra, learned State counsel while opposing the prayer of learned counsel for the petitioner has submitted that there are serious allegations against the petitioner. She has submitted that the trial has not been able to proceed any further on account of the outbreak of pandemic COVID-19.

Heard.

In view of the submissions made by learned counsel and the fact that the petitioner has been in custody since 08.07.2018, the trial is unlikely to conclude in the near future more so in the wake of outbreak of pandemic Covid-19. Hence, the present petition is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

10.09.2020

sonia

Whether speaking/reasoned:

Yes/No

Whether reportable :

Yes/No