

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

Crl. Misc. M-26258 of 2020
Date of decision: 17.09.2020

209

Akashdeep Singh @ Ajay

....Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. Amandeep Singh Saini, Advocate,
for the petitioner.

Mr. H.S. Sullar, DAG, Punjab.

(Proceedings are conducted through video
conferencing as per instructions).

G.S.SANDHAWALIA, J. (Oral)

The petitioner seeks regular bail in a petition filed under Section 439 Cr.P.C. in FIR No. 98 dated 20.05.2020 under Sections 354-B, 452, 506 IPC and Section 8 of the POCSO Act, 2012, P.S. Dharamkot, District Moga.

Counsel for the petitioner has submitted that the petitioner has been in custody since 20.05.2020 and the challan has been presented on 16.07.2020 and, thus, the investigation is complete. He further submits that the charge is to be framed on 02.11.2020 and considerable time would be taken to complete the trial. It is submitted that the victim was known to the petitioner and the allegations are of modesty being outraged as such. It is submitted that there is a delay in lodging of the FIR since the incident had taken place on 18.05.2020 at 2.30 p.m. and the FIR was lodged two days later i.e. on 20.05.2020.

It is submitted that there are total 14 witnesses and keeping in view the circumstances, the petitioner be released on regular bail. Reference is made to the order dated 20.07.2020 granting bail to Ajay Singh, the co-accused in Crl. Misc. M-17254 of 2020, who was accompanying the petitioner but stood outside the house as a guard. The FIR also would go on to show that the brother of the victim as such had come home, on which, the said co-accused had raised alarm.

Keeping in view the above circumstances, this Court is of the opinion that considerable time would be taken to conclude the trial.

Accordingly, without commenting on the merits of the case, the petition is allowed and the petitioner is directed to be released on bail to the satisfaction of Duty Magistrate/Illaq Magistrate, Moga. Needless to say that anything said herein is only for the purpose of deciding the present bail application and this Court has not opined on the merits of the case.

It is made clear that the petitioner shall not approach the victim in any manner and try to coerce or threaten her either himself or through any of his relatives or friends. In case he does so, it will be open to the State or the complainant to file an application for cancellation of bail.

17.09.2020
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No