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IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

****

CRM-M-27555-2020
Date of Decision: 18.09.2020

****

Sevendeep Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Rishabh Gupta, Advocate,
for the petitioner.

Mr. Ramandeep S. Sandhu, DAG, Punjab.

SUDIP AHLUWALIA, J. (ORAL)

This is a petition for regular bail filed under Section 439 Cr.P.C. on behalf of the petitioner in case FIR No.0292, dated 23.07.2019, under Sections 376 & 376(2)(n) of the IPC and Sections 4 and 6 of the POCSO Act, 2012, registered at Police Station City Barnala, District Barnala.

[2]. The petitioner was arrested on 15.01.2020 and has remained in detention thereafter.

[3]. After completion of the investigation, Challan against the petitioner has already been submitted and even the trial commenced.

[4]. The Prosecutrix was partially examined in the Trial Court on 07.02.2020, at which stage, the prosecution side itself sought an adjournment of the proceedings so as to bring into trial some other co-accused persons by way of an application under Section 319 of the Cr.P.C. Thereafter, the trial has become stalled due to onset of COVID-19

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Pandemic. It transpires that by now even the said application is undisposed off.

[5]. It would, therefore, appear that the trial is not likely to re-concluded any time in the near future.

[6]. It is verified from the record that by the time the present FIR was drawn up on 23.07.2019, the Prosecutrix had already crossed the age of majority and has since been married to one Bhupinder Singh. The factum of such marriage finds mentioned in Para No.8 of the impugned order passed by the Ld. Sessions Judge, Barnala (Annexure P-2).

[7]. The Prosecutrix, therefore, at this stage is certainly not a minor and under adequate protection of her husband and has already given a substantial part of her statement in the Ld. Trial Court.

[8]. In these circumstances, without commenting any further on the merits of the present case as a whole, but in view of the detention undergone by the petitioner, the prayer of the petitioner for regular bail is allowed and he is ordered to be released on regular bail subject to appropriate terms and conditions to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

[9]. Disposed off.

18.09.2020 **(SUDIP AHLUWALIA)**
Bhumika **JUDGE**

1. Whether speaking/reasoned: Yes/No

2. Whether reportable: Yes/No

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