

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

(Heard through VC)

CRM-M-27623 of 2020 (O&M)
Date of Decision: September 28, 2020

Sohan Lal @ Gaggi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Naveen Sharma, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG Punjab.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.85 dated 19.09.2018, under Sections 363, 366, 376 of Indian Penal Code, registered at Police Station Kot Fatta, District Bathinda.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 19.09.2018. It is argued that the allegations as set out in the FIR are patently false as it would be evident that the complainant/prosecutrix was mother of two children on the date of registration of the FIR and she continued to reside with the petitioner for a period of almost two years and five months and at no point in time, made effort to leave his

company. It is also argued that the earlier petition for grant of bail was disposed of as the statement of the complainant had not been recorded. It is contended that in the interregnum statement of the complainant/prosecutrix has been recorded and trial is likely to take sufficient time to conclude because of limited functioning of the court due to Covid-19 pandemic, therefore, the petitioner is entitled to be enlarged on bail.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, while submitting that the offences alleged against the petitioner are serious in nature. However, she does not dispute the fact that statement of complainant/prosecutrix has since been recorded.

I have heard learned counsel for the parties.

In view of the facts that the petitioner herein has been in custody since 19.09.2018; statement of the material witness i.e. the complainant has since been recorded and the trial is not likely to conclude in the near future because of limited functioning of the courts due to Covid-19 pandemic, no useful purpose would be served in keeping the petitioner behind bars. At this stage, without commenting on the merits of the case, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate.

However, anything observed or said by this court is only

for the purpose of deciding the instant petition for grant of regular bail
and the same shall have no affect on the merits of the case.

September 28, 2020
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No