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

**CRM-M-27811-2020
Date of Decision: 06.11.2020**

Vijay Kumar

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Shakti Mehta, Advocate,
for the petitioner.

Mr. Amar Ashok Pathak, Additional A.G., Punjab.

Mr. Tarun Sharma, Advocate,
for the complainant.

SUDIP AHLUWALIA, J. (ORAL)

The present petition has been filed under Section 439 of the Cr.P.C. by the petitioner, seeking regular bail in case FIR No.0157 dated 05.09.2019, under Sections 376 and 506 of the IPC (Section 354-B of the IPC added later on) and Section 4 of the POCSO Act (Section 8 of the POCSO Act deleted later on), registered at Police Station City Samana, District Patiala, Punjab.

2. It is submitted by Ld. State Counsel in pursuance of the previous order that evidence of the prosecutrix has since been recorded in the Ld. Trial Court and she has stood by the allegations made in the FIR.

3. Ld. Counsel for the petitioner, from his side, has sent up a copy of

the MLR of the prosecutrix, through e-mail, to highlight that there are no medical/clinical signs of blood, seminal, faecal or mud on her nor any indication of forced intercourse, even though the medical examination was conducted on the very next day, after the alleged occurrence.

4. Be that as it may, the important aspect is that prosecutrix has been able to give her statement in the Court without any pressure or inducement as this bail petition was consciously kept pending by this Court on the last date (08.10.2020) to ensure that the prosecutrix may give her statement freely and without any pressure, which purpose has since been accomplished.

5. From the Custody Certificate of the petitioner available on record, it would appear that he has already remained in imprisonment for almost one year and two months, since 09.09.2019.

6. As such, without commenting any further on the merits of the present case as a whole and in view of the detention undergone by the petitioner, as also the fact that the trial is likely to take its own substantial time, particularly on account of the ongoing Covid-19 pandemic, the prayer of the petitioner for regular bail is allowed and he is ordered to be released on bail, subject to appropriate terms and conditions to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

7. Disposed off.

06.11.2020*Apurva***(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/reasoned: Yes/No

2. Whether reportable: Yes/No