

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-28957 of 2020

Date of Decision: 11.11.2020

Kamaljit Singh

...Petitioner (s)

Versus

State of Punjab

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Bikramjit Singh Randhawa, Advocate
for the petitioner.

Mr. Mehardeep Singh, Addl..A.G., Punjab.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Prayer in this petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.50 dated 28.04.2020 under Sections 376 IPC and Section 6 POCSO Act (Sections 363 and 366 IPC, Section 21 POCSO Act and Section 3(2)(V) of the SC/ST Act being added later on and Section 376 being converted into 376-D IPC) registered at Police Station Anandpur Sahib, District Rupnagar.

Learned counsel for the petitioner has argued that except that the petitioner had accompanied the main accused Manish Kumar, who happens to be a juvenile, there is no allegation against the petitioner regarding any sexual assault upon the prosecutrix in any manner. He has

referred to photographs attached with this petition as Annexure P-2 to contend that the prosecutrix and Manish Kumar were known to each other and the petitioner has been falsely implicated in the present case. Moreover, the alleged occurrence has taken place on 16.03.2020 whereas the present FIR was registered on 28.04.2020 and there is no plausible explanation for delay in lodging the FIR. He further submits that the matter has been compromised between the parties and the complainant has also submitted an affidavit dated 21.07.2020 Annexure P-4 in this regard. The petitioner is in custody since 01.07.2020.

Learned State counsel does not dispute the custody of the petitioner and submits that there is no allegation against the petitioner of commission of sexual assault upon the prosecutrix.

I have heard learned counsel for the parties.

Admittedly, the allegation of commission of sexual assault is against the main accused Manish Kumar, who is stated to be on bail, being a juvenile. Considering the affidavit dated 21.07.2020 (Annexure P-4), wherein it has been stated that a compromise has been effected between the parties and the fact that the petitioner is in custody since 01.07.2020, this Court deems it appropriate to release the petitioner on regular bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate.

November 11, 2020
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?
Whether reportable?

Yes / No
Yes / No