

212.

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

CRM-M-26669-2019 (O&M)

Date of decision: 05.10.2020

GURPREET SINGH @ SUKHA

... Petitioner

versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. A.P. Kaushal, Advocate,
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

HARI PAL VERMA, J. (Oral)

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

CRM-859-2020

Prayer in this application filed under Section 482 Cr.P.C. is to place on record the copy of statement of witnesses as Annexure P-4 (colly).

For the reasons stated in the application, same is allowed and the document-Annexure P-4(colly) is taken on record.

CRM-M-26669-2019

This is third petition filed by the petitioner under Section 439 Cr.P.C. for grant of regular bail in case FIR No.10 dated 14.04.2017 registered under Sections 363/366-A/376 IPC and Sections 3/4 of POCSO Act at Police Station Kabirpur, District Kapurthala. The earlier petition i.e.

CRM-M-19074-2018 was dismissed as withdrawn on 10.05.2018, whereas the second petition i.e. CRM-M-27562-2018 was dismissed as withdrawn on 21.01.2019.

Learned counsel for the petitioner has argued that the petitioner is in custody since 14.04.2017. There is no medical evidence against the petitioner so as to establish that the petitioner has committed rape upon the prosecutrix. Trial in the case is not likely to be concluded in the near future and Covid-19 epidemic is another factor which has resulted delay in conclusion of trial.

Learned State counsel has filed the custody certificate, which is taken on record. He does not dispute the custody. As per the custody certificate, there is no other case against the petitioner. He has submitted that the prosecutrix has named the petitioner in her statement recorded under Section 164 Cr.P.C. As against the total 21 witnesses cited by the prosecution, only 10 witnesses have been examined.

I have heard learned counsel for the parties.

Petitioner is in custody since 14.04.2017. There is no medical evidence against the petitioner. The culpability of the petitioner is required to be analyzed during the trial, but considering the long custody and the fact that the trial is not likely to be concluded in the near future, more so when Covid-19 epidemic has adversely affected the regular trial, this Court deems it appropriate to admit the petitioner on bail.

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

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly. He shall not reside or visit the village where the prosecutrix is residing during the pendency of trial.

(HARI PAL VERMA)
JUDGE

05.10.2020
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No