

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

CRM-M-29823 of 2020
Date of Decision: 27.10.2020

Aarav @ Dipender Sagar

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: - Mr. Kamaldeep Sodhi, Advocate, for the petitioner.

Mr. J.S Ghumman, DAG, Punjab.

DEEPAK SIBAL, J. (ORAL)

Case taken up through Video Conferencing.

Through the present petition filed under Section 439 Cr.P.C. the petitioner seeks the regular bail in FIR No.183 dated 07.07.2020 registered under Sections 363 and 366-A IPC at Police Station Division No.6, Jalandhar, District Jalandhar.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case; he has been in custody since 20.07.2020; the prosecutrix who is major, has stated before the Magistrate under Section 164 Cr.P.C that she had gone with the petitioner as per her will; report under section 173 Cr.P.C has already been filed and therefore the petitioner is not in a position to influence the investigation; there is no other criminal case in which the petitioner is involved and that the trial which is yet to begin would take a long time to conclude especially when the world is facing the Covid-19 pandemic.

Learned State counsel submits that the ossification test conducted

upon the prosecutrix has shown that she is aged between 17-19 years and the petitioner be not granted bail as he is accused of serious offences under Sections 363 and 366-A IPC.

The petitioner has been in custody for the last over three months; the petitioner is not involved in any other criminal case; report under Section 173 Cr.P.C has been filed and therefore the petitioner is not in a position to influence the investigation; in her statement under Section 164 Cr.P.C. the prosecutrix had stated before the Magistrate that she went with the petitioner as per her own will; the issue with regard to the age of the prosecutrix would be debated during the course of the trial and the trial which is yet to commence is not likely to conclude in the near future especially when the world is facing the Covid-19 pandemic.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of CJM/Duty Magistrate, Jalandhar, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

27.10.2020
monika

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No