

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

**CRM-M-31360 of 2020(O&M)
DATE OF DECISION : 12.10.2020**

Ravi Randhawa @ Ravi Sher Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Parveen Chauhan, Advocate,
For the petitioner.

Mr. Rana Harjasdeep Singh, DAG Punjab.
(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

1. Petitioner seeks regular bail in FIR No. 283 dated 02.11.2019. registered under Sections 363, 366-A, 376, 212, 120-B IPC and under Sections 4, 6 and 17 of the Protection of Children from Sexual Offences Act, 2012, Police Station City Tarn Taran.
2. FIR in this case was registered on 02.11.2019 on the basis of statement made by father of prosecutrix, wherein he informed about missing of his daughter, aged 15 years since 01.11.2019, who had gone to school but did not return. Her whereabouts could not be ascertained despite concerted efforts. He suspected that his daughter had been enticed away by Ravi Randhawa, the petitioner/accused. FIR was registered. Prosecutrix was recovered while in the company of petitioner. Her statement under Section 164 Cr.P.C. was got recorded. Her medical was done. The petitioner was arrested.

3. Learned counsel for the petitioner submits that prosecutrix and petitioner were/are having a love affair. The same is not acceptable to the family of the complainant. As a result, she of her own will joined the company of the petitioner. There was no sexual activity during the period she remained in the company of petitioner. While referring to the order passed by the learned Addl. Sessions Judge vide which the application of the petitioner for regular was rejected, learned counsel contends that there is no dispute to the fact that in her statement under Section 164 Cr.P.C. prosecutrix herself had voluntarily stated that she had joined the company of the petitioner, a young boy of 21 years, on her own free will and she remained in the company of petitioner for three days. But she nowhere makes any complaint about any sexual activity being done with her during this period.

4. He further submits that now with the intervention of respectable, both the families have settled the issue. They have decided to engage the petitioner with prosecutrix and will get them married once she is of marriageable age. Compromise deed along with affidavit of complainant and father of petitioner have been placed on record as Annexures P-3, P-4 and P-5, respectively. According to him, in this view of the matter, there is no chance of success of the prosecution case. The petitioner is in custody since November, 2019 and no other case is pending against him. No useful purpose would be served by keeping the petitioner in custody any more as presently trial is held up due to Covid-19 pandemic.

4. Learned State counsel, on the other hand, opposes the bail plea. He, inter alia, argues that in MLR (Annexure P-2), the medical officer who examined the prosecutrix has specifically stated that there is nothing to

suggest that prosecutrix could not have been subjected to sexual intercourse. Hence, it would be a matter of trial to ascertain whether she was subjected to any sexual activity or not. He, however, admits that presently there is no headway in the trial due to Covid-19 pandemic and petitioner who is in custody since November, 2019 is not involved in any other case. he prosecution in her statement recorded during trial. He admits that the petitioner is not involved in any other case.

5. The petitioner is in custody since November, 2019. The prosecutrix has admittedly not levelled any allegations of rape against the petitioner in her statement under Section 164 Cr.P.C. The above submissions made by learned counsel for the petitioner about consensual relationship shall be adjudicated at the trial, which is presently held up due to Covid-19 pandemic and there is no likelihood of conclusion thereof anytime soon. Courts are currently working with restrictions due to Covid-19 pandemic and are taking up only urgent matters. The petitioner is not involved in any other case and no useful purpose would be served by keeping him in preventive custody any further.

6. Taking wholesome view of the matter, but without expressing any opinion on the merits of the case, at this juncture, the petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/ Duty Magistrate, as the case may be.

7. Petition stands allowed accordingly.

OCTOBER 12, 2020

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(ARUN MONGA)

JUDGE

Whether reportable :

Yes/No