

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M-30968 of 2020

Date of Decision: November 02, 2020

Rakesh Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. B.R.Rana-I, Advocate,
for the petitioner.

Mr. Harbir Sandhu, AAG, Punjab.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.73 dated 24.06.2020, under Sections 363, 366A, 376 IPC (added later on) and Sections 3 and 4 POCSO Act, 2012, registered at Police Station, Daba, Ludhiana. The petitioner is in custody since his arrest on 24.06.2020.

As per the allegations in the FIR, on 24.06.2020 complainant-Arunesh Kumar (father of the complainant) got his statement recorded before the police, wherein it was stated that he works as labourer and has five children. One of his daughters, whose date of birth is 04.03.2003, was studying in 10+1 class in Indian Public Senior Secondary School, Daba, Ludhiana. On 09.06.2020 at about 11.00 a.m., she went to sleep and on 10.06.2020 at about 4.30 a.m., complainant saw that his minor daughter was not present. He and his family members searched for her, but no clue was

found and during this process, it came to light that a boy, namely, Rakesh Kumar son of Ram Kirpal, resident of Mohalla Guru Nagar, Street no.1/8, Ludhiana, enticed his daughter away on the pretext of marrying her. On these broad allegations, the present FIR was registered.

Learned counsel for the petitioner has invited the attention of the Court to the statement of the victim recorded on 19.08.2020 under Section 164 Cr.P.C. (Annexure P-2) to contend that nothing incriminating has been stated by her against the petitioner and the allegations have been levelled against an unknown old man. He submits that the petitioner is in custody since 24.06.2020 and the investigation of the case is complete as the final report stands filed. He prays for grant of regular bail to the petitioner, during the pendency of the trial.

On the other hand, the prayer is opposed by the learned State counsel, who is assisted by ASI Paramjit Singh. However, it is not disputed by him that the final report stands filed, but the trial is yet to commence.

After hearing the learned counsel for the parties, this Court finds that after completion of investigation of the case, the final report has been filed, but the trial is yet to commence. This Court is cognizant of the fact that the outbreak of pandemic COVID-19 in the region may delay the conclusion of trial. The petitioner is presently confined in judicial custody since 24.06.2020 and his further detention may not be necessary for any useful purpose, therefore, this Court does not find any reason to decline the prayer.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail

bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate,
Ludhiana.

November 02, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No