

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

210

CRM-M No.31098 of 2020 (O&M)
Date of Decision: October 8th, 2020

Sonu Singh @ Sonu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. S.K. Choudhary, Advocate
for the petitioner.

Mr. B.S. Sewak, Additional Advocate General, Punjab.

(PROCEEDINGS THROUGH V.C.)

AUGUSTINE GEORGE MASI, J. (ORAL)

Prayer in this petition is for grant of regular bail to the petitioner in FIR No.155 dated 29.10.2019 registered under Sections 376, 366, 363 IPC and Section 4 of Protection of Children from Sexual Offences Act, at Police Station Kot Ise Khan, District Moga.

It is the contention of learned counsel for the petitioner that the name of the petitioner does not figure in the FIR. All persons, who are named in the FIR, have been found to be innocent in an inquiry (Annexure P-4), which is alleged to have been conducted by the Superintendent of Police (Investigation), Moga. Contention has been raised that the petitioner has been roped in and that too falsely in the case on the basis of the fact that he had friendly relations with the victim. It is asserted that because of the affair between the petitioner and the victim that the petitioner called her to an isolated place and developed physical relations with her. Subsequently also, they had been having physical relations and the petitioner had been picking her up from the school gate on his motorcycle. He contends that these all allegations are false and for this, he places reliance upon the statement of the victim recorded under Section 164 Cr.P.C. before the

Magistrate, where not a word in this regard has been stated, rather she has supported the version, as has been given in the FIR. He, therefore, contends that the petitioner has been involved in the case without any justification and evidence being there against him. Petitioner was arrested on 05.12.2019 and is in custody since then. The challan has been presented and the charge framed. On two occasions when the case was fixed for prosecution evidence, the victim has not appeared before the Court. Because of the pandemic thereafter, the case has been adjourned without any progress in the trial. He, therefore, prays that the petitioner be granted the concession of bail as the trial is not likely to conclude in near future with the prevailing circumstances.

Custody certificate has been filed by way of affidavit of the Deputy Superintendent, Central Prison, Faridkot, according to which the petitioner is in custody from 10 months and 16 days. The stage of the trial, as it stands, is that the charge has been framed and the case is fixed for prosecution evidence. Because of the prevailing circumstances, the Courts are working in a restricted mode. For that reason, the trial is not proceeding. Petitioner, who is 20 years of age, is in custody for last more than 10½ months, with the trial not likely to proceed in near future, especially when he is not named in the FIR nor has the victim implicated the petitioner in the matter, rather she has supported the version as given in the FIR in her statement under Section 164 Cr.P.C., the petitioner deserves concession of bail.

The present petition is, therefore, allowed.

Petitioner is directed to be released on bail to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, Moga.

Any observations made hereinabove are for the purpose of disposal of the present petition alone and shall have no bearing on the merit of the case during the trial in any manner.

October 8th, 2020
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No