

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

CRM-M-31654-2020(O&M)

Date of decision: 13.10.2020

Sandeep Kumar @ Rinku

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Subhash Chander Patial, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, DAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

The petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 54 dated 03.07.2019 registered under Sections 363, 366-A, 376 IPC and Section 6 of the POCSO Act, at Police Station Talwara, District Hoshiarpur.

Learned counsel for the petitioner states that the prosecutrix in her statement recorded under Section 164 Cr.P.C., has given a clean chit to the petitioner. Similar, is the position with regard to her statement recorded under Section 161 Cr.P.C. The version of the prosecutrix is that she had gone with the petitioner of her own and stayed with him in a rented accommodation at Gurugram. Moreover, the petitioner has been in custody since 04.08.2019 and even from the custody point of view, the petitioner

deserves the concession of regular bail.

Additionally, the learned counsel for the petitioner prays for grant of regular bail on the ground of massive spread of Covid-19 cases.

On the other hand, learned State counsel while controverting the submissions made by the learned counsel for the petitioner, submits that unless the prosecutrix is subjected to the cross examination in the learned trial Court, no benefit can enure to the petitioner from the alleged version of the prosecutrix in her statements recorded under Sections 161 and 164 of the Cr.P.C. The allegations against the petitioner are very serious and in case, he is enlarged on bail, every effort will be made by him to either tamper with the evidence or win over the witnesses.

I have heard the learned counsel for the parties.

As noticed above, the prosecutrix is yet to be cross-examined. In the cases of sexual offences, the testimony of the prosecutrix is of the vital significance. Moreover, the prosecutrix in this case is minor and a slight variation in her statements recorded under Sections 161 and 164 Cr.P.C. cannot be taken benefit of by the petitioner at this stage. The prayer of the petitioner for release on bail on Covid-19 ground does not have any merit either.

Therefore, I do not find any ground to grant him the concession of regular bail.

In view of the above, the present petition is dismissed.

(HARNARESH SINGH GILL)
JUDGE

13.10.2020

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No