

**203 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(through video conferencing)**

CRM-M-34323-2020
Decided on : 10.11.2020

Gourav Sharma

..... Petitioner

Versus

State of UT, Chandigarh

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. D.S.Malwai, Advocate
for the petitioner.

Mr. A.M.Punchhi, Advocate
for the respondent.

Manjari Nehru Kaul, J.

Instant petition has been filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.145 dated 26.07.2020 under Sections 3, 4, 5, 6, 7 of Immoral Traffic Act 1956 registered at Police Station Sector 36, Chandigarh.

Learned counsel for the petitioner contends that subsequent to the withdrawal of the previous petition, challan has been filed under the aforementioned sections under Immoral Trafficking Act, 1956 and the challan is silent qua the offences under Section 376 IPC and offences under the POCSO Act. He further contends that the petitioner is in custody since 26.07.2020 and the trial is unlikely to conclude in the near future. Moreover, the offences for which he has been challaned are triable by a Magistrate.

Per contra, learned State counsel while opposing the prayer of learned counsel for the petitioner has admitted that challan has not been filed under Section 376 IPC, but has submitted that Section 7(1) (A) of Immoral

Trafficking Act is paramateria with Sections 6 and 8 of POCSO Act.

Heard.

In view of the submissions made by learned counsel and the fact that the petitioner has been in custody since 26.07.2020, the offences are triable by a magistrate and trial is unlikely to conclude in the near future more so in the wake of outbreak of pandemic Covid-19, the present petition is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

10.11.2020

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Whether speaking/reasoned:

Yes/No

Whether reportable :

Yes/No