

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-35966 of 2020

Date of Decision: 11.11.2020

Jagdev Singh

...Petitioner (s)

Versus

State of Punjab

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Naveen Batra, Advocate
for the petitioner.

Mr. Mehardeep Singh, Addl..A.G., Punjab.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Prayer in this petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.50 dated 28.04.2020 under Sections 376 IPC and Sections 6 and 21 POCSO Act (Sections 363, 366 IPC and 376-D IPC, Section 21 POCSO Act and Section 3(2)(5) of the SC/ST Act being added later on and Section 376 being deleted) registered at Police Station Anandpur Sahib, District Rupnagar.

Learned counsel for the petitioner has argued that except that the petitioner is owner of Jagdev Guest House, there is no allegation of sexual assault against him and he has been falsely implicated in the present case. The main accused Manish Kumar has already been released on bail,

being a juvenile. Moreover, the alleged occurrence has taken place on 16.03.2020 whereas the present FIR was registered on 28.04.2020 and there is no plausible explanation for delay in lodging the FIR. He further submits that the matter has been compromised between the parties and the complainant has also submitted an affidavit Annexure P-2 in this regard. The petitioner is in custody since 26.06.2020.

Learned State counsel does not dispute the custody of the petitioner and submits that there is no allegation against the petitioner of commission of sexual assault upon the prosecutrix.

I have heard learned counsel for the parties.

Admittedly, the allegation of commission of sexual assault is upon the main accused Manish Kumar, who is stated to be on bail, being a juvenile. Considering the affidavit Annexure P-2, wherein it has been stated that the name of Gurdev Guest House has been mentioned in the complaint due to some misunderstanding and the fact that the petitioner is in custody since 26.06.2020, this Court deems it appropriate to release the petitioner on regular bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate.

November 11, 2020
AK

(**HARI PAL VERMA**)
JUDGE

Whether speaking / reasoned?
Whether reportable?

Yes / No
Yes / No