

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

CRM-M-36161-2020
Decided on : 10.11.2020

Jatinder Singh @ Toni

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Ms. Amarinder Kaur, Advocate
for the petitioner.

Mr. A.S.Sandhu, DAG, Punjab.

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.144 dated 07.08.2020 (Annexure P-1) under Sections 363, 366-A, 376 and 120-B IPC and Section 6 of POCSO Act 2012 and Section 3 of SC and ST (Prevention of Atrocities) Act 1989 registered at Police Station Nihal Singh Wala District Moga.

Learned counsel for the petitioner inter alia contends that perusal of the FIR reveals that he has no role whatsoever to play in the alleged crime. It has been contended that the co-acused Kulwinder Singh wanted to marry the prosecutrix for which various panchayats were arranged and the petitioner has participated in those panchayats. Resultantly, prosecutrix and her family members were nursing a grudge against the petitioner. The petitioner is in custody since 18.09.2020 and only challan has been filed as on date. Hence, there is no likelihood of concluding the trial in the near future.

Per contra, learned State counsel while opposing the prayer of

learned counsel for the petitioner on instructions from ASI Balbir Singh has admitted that no allegations have been levelled against the petitioner of committing rape upon the prosecutrix. In fact the only role attributed to the petitioner is of driving the prosecutrix back after she had been violated by the co-accused Kulwinder Singh.

Heard.

In view of the submissions made by learned counsel and the fact that the petitioner has been in custody since 18.09.2020, the trial is unlikely to conclude in the near future more so in the wake of outbreak of pandemic Covid-19. Hence, 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

sonia

Whether speaking/reasoned:

Yes/No

Whether reportable :

Yes/No