

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

231

CRM-M-37301 of 2020

Date of Decision: 01.12.2020

(through video conferencing)

Rajesh Kumar

...Petitioner

Versus

State of UT, Chandigarh

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Ms. Monu Khan, Advocate
for the petitioner.

Mr. A.M. Punchhi, PP for UT, Chandigarh.

Manjari Nehru Kaul, J.(Oral)

The present petition has been filed under Section 439 Cr.P.C. 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 concerned. 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

01.12.2020

D.Bansal

Whether speaking/ reasoned :	Yes/ No
Whether Reportable :	Yes/ No