

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

CRM-M-37318-2020
Decided on : 21.12.2020

Govinda

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Pranav Chadha, Advocate
for the petitioner.

Mr. H.S.Multani, AAG, 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.258 dated 30.07.2020 registered under Sections 363, 366-A IPC at Police Station Sohana.

Learned counsel for the petitioner inter alia contends that the petitioner has been in custody since 31.07.2020 and the trial is unlikely to conclude in the near future as only challan has been filed till date. While inviting the attention of this Court to the allegations levelled in the FIR in question it has been further submitted that a perusal of the same clearly reveals that the petitioner as well as the victim were in a relationship and the victim had been accompanying the petitioner of her own accord. Learned counsel submits that the victim in her statement recorded soon after the recovery had had not levelled any allegation against the petitioner rather she had categorically stated that she had accompanied the petitioner of her own accord since he was a friend of hers. Still further, learned counsel submitted that as per the Final Report under Section 173 Cr.PC (Annexure P-4), the

offence under Section 366-A IPC had been deleted and offence under Section 366 IPC added even though from the allegations levelled in the FIR in question and the statement of the victim the offence under Section 366 IPC was not made out.

Per contra, learned State counsel while opposing the prayer of learned counsel for the petitioner has not been able to controvert the factual aspect of the submissions made by learned counsel for the petitioner. He on instructions from ASI Bhagat Singh has submitted that the charges are likely to be framed on the next date of hearing fixed before the trial court i.e. 28.12.2020.

Heard.

In view of the submissions made by learned counsel and the fact that the petitioner has been in custody since 31.07.2020, 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

21.12.2020
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Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No