

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

**CRM-M No.38375 of 2020 (O&M)
Date of Decision.24.11.2020
(Heard through VC)**

Amarjit Singh

...Petitioner

Vs

State of Punjab

...Respondent

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. B.S. Seemar, Advocate
for the petitioner.

Mr. H.S. Sitta, AAG, Punjab.

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JAISHREE THAKUR J. (ORAL)

This is a petition that has been filed for grant of regular bail to the petitioner in FIR No.89 dated 01.05.2020 under Sections 376, 506 IPC (Sections 376-DA and 109 IPC added later on) and Sections 6 and 17 of POCSO Act registered at Police Station City Garhshankar, District Hoshiarpur, Punjab.

Learned counsel for the petitioner herein would contend that the petitioner has been falsely implicated in the said FIR as would be evident from the fact that the prosecutrix, who had raised allegations of offence under Section 376 IPC, has refused to get her medical examination conducted and has also suffered statement under Section 164 Cr.P.C. to the effect that she got the instant FIR registered as she was annoyed with her mother. It is further contended that the petitioner herein, who is a *granthi* in local Gurdwara, had in fact tried to stop the prosecutrix from meeting up with one Ranjit Singh, however, the said prosecutrix has run away with

Ranjit Singh and an FIR has already been registered in this regard. Custodial interrogation of the petitioner is no longer required since the matter has been investigated and charges have been framed.

Learned counsel appearing on behalf of the respondent-State opposes grant of regular bail to the petitioner but he is not in a position to dispute the fact that the FIR has been registered against said Ranjit Singh or that the charges have already been framed.

I have heard learned counsel for the parties have perused the paper book.

Keeping in view the fact that the prosecutrix has refused to get her medical examination done and the charges have already been presented coupled with the fact that the trial is likely to take some time to conclude owing to *novel corona virus* pandemic situation, no useful purpose would be served by keeping the petitioner behind bars. The instant petition is allowed and the petitioner is directed to be released on regular bail on execution of personal/surety bond to the satisfaction of concerned trial Court/Duty Magistrate. However, any observation made herein shall not be construed to be an expression on merits of the case.

(JAISHREE THAKUR)

JUDGE

November 24, 2020

Pankaj*

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No