

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

(Heard through VC)

CRM No.24246 of 2020,
CRM No.37689 of 2019 in/and
CRM-M-44322 of 2019 (O&M)
Date of Decision: October 06, 2020

Mangal Jeet Singh @ Mangaljit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Inder Pal Singh, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG Punjab.

JAISHREE THAKUR, J. (Oral)

CRM-24246-2020

This is an application that has been filed to prepone the hearing
in the main case, which is now listed for 09.11.2020.

For the reasons mentioned in the application, the same is
allowed. Hearing in the main petition is preponed and taken up today.

CRM-37689-2019

This is an application that has been filed seeking to add
Sections 177, 363, 365 of Indian Penal Code and Sections 3, 4 of POCSO

Act in the headnote as well as prayer clause of the petition.

In view of the reasons given in the application, the same is allowed.

Registry is directed to add the aforesaid Sections in the headnote as well as prayer clause of the petition.

CRM-M-44322-2019

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.117 dated 26.07.2019, under Sections 109, 177, 344, 363, 365, 376, 120-B of Indian Penal Code and Sections 3, 4 of POCSO Act, registered at Police Station Kamboj, District Amritsar Rural.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 27.07.2019, while further submitting that the petitioner has been falsely implicated in the present case. It is argued that the prosecutrix, daughter of the complainant and he had solemnized a marriage and had also sought protection from this court by way of filing CRM-M-24015 of 2018, which was allowed by an order dated 30.05.2018. It is also submitted that the prosecutrix had continued to reside with the petitioner till the time he was arrested. It is also argued that in the initial statement that had been recorded under Section 164 Cr.P.C., the prosecutrix had not levelled any allegation against him. However, subsequently when the mother took the daughter back to home with the promise to get the marriage solemnized in a proper manner, that the instant FIR came to be registered. It is also contended that investigation is complete, as the challan has already been presented as far back as

24.09.2019 and as on date, charges have not been framed. It is further submitted that framing of charges as well as conclusion of trial will take sufficient time because of limited working of the courts due to Covid-19 pandemic, as such, the petitioner is entitled to be enlarged on bail.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from ASI Amar Singh, opposes the grant of regular bail to the petitioner on the ground that there are allegations against the petitioner that he abducted and raped the minor daughter of the complainant.

I have heard learned counsel for the parties.

In view of the facts that the petitioner herein has been in custody since 27.07.2019; proceedings before the trial court have not commenced, as the charges have not been framed despite the presentation of challan on 24.09.2019 and conclusion of trial will take sufficient time because of limited working of the courts due to Covid-19 pandemic, no useful purpose would be served in keeping the petitioner behind bars. At this stage, without commenting on the merits of the case, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of personal bond in the sum of ₹ 50,000/- with one surety in the like amount to the satisfaction of concerned trial Court/Duty Magistrate. However, it is made clear that the petitioner shall not visit the locality of the prosecutrix and shall also not try to contact the prosecutrix or her father either directly or indirectly in any manner whatsoever. In case, there is any violation of the said direction, the bail allowed to the petitioner will be cancelled.

Needless to say, anything observed or said by this court is only for the purpose of deciding the instant petition for grant of regular bail and the same shall have no affect on the merits of the case.

October 06, 2020

vijay saini

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No