

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

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**CRM-M-410-2020 (O&M)
Decided on : 05.08.2021**

SAGAR

. . . Petitioner(s)

Versus

STATE OF PUNJAB

. . . Respondent(s)

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL
(Through Video Conferencing)**

PRESENT: Mr. Krishan Singh Dadwal, Advocate
for the petitioner(s).

Mr. Luvinder Sofat, AAG Punjab
assisted by ASI Maninder Kaur.

MANJARI NEHRU KAUL, J. (Oral)

Prayer in the instant petition filed under Section 439 Cr.P.C., is for grant of regular bail to the petitioner in case FIR No.54, dated 26.03.2019 under Section 376(3) of the IPC and Section 6 of the POCSO Act registered at Police Station Tanda District Hoshiarpur.

Learned counsel for the petitioner submits that the petitioner has been in custody since 11.06.2019 and there is no likelihood of the trial concluding in the near future as only 12 out of 23 prosecution witnesses have been examined so far. He further submits that material witnesses i.e., prosecutrix and her parents have already been examined by the trial Court hence there is no likelihood of the petitioner tampering with any evidence in case he is enlarged on bail.

Per contra, learned State counsel while opposing the prayer and submissions of the learned counsel for the petitioner on instructions from ASI Maninder Kaur has apprised the Court that no doubt the material witnesses have been examined, however, all of them have supported the case of the prosecution in its entirety and only formal witnesses remained to be examined, hence the trial will not take much time to conclude.

Heard.

Prima facie, there are serious and specific allegations levelled against the petitioner for which he does not deserve the concession of bail.

Dismissed. However, it is made clear that anything observed hereinabove shall not be construed as an expression of opinion on the merits of the case.

At this stage, a prayer has been made by the learned counsel for the petitioner that in view of the long custody of the petitioner, directions be issued to the trial Court to expedite the trial.

In view of the above, the trial Court shall endeavour to expedite the trial and conclude the same positively on or before 31st December 2021.

(MANJARI NEHRU KAUL)
JUDGE

August 05, 2021

S.Sharma(syr)

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