

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

(Heard through VC)

CRM No.15175 of 2021 in/and
CRM-M-1382 of 2020 (O&M)
Date of Decision: May 28, 2021

Wazir Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Monty Goyal, Advocate
for the petitioner.

Mr. H.S. Sitta, AAG Punjab.

JAISHREE THAKUR, J. (Oral)

CRM-15175-2021

This is an application that has been filed for preponing the hearing in the main case, which is now listed for 01.07.2021.

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

CRM-M-1382-2020

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.260 dated 08.12.2018, under Sections 363, 366-A, 420, 465, 467, 468, 471, 181, 193,

198, 199, 200, 120-B of Indian Penal Code (Section 376 of IPC and Section 4 of POCSO Act added later on), registered at Police Station Meharban, Ludhiana, District Ludhiana.

Learned counsel for the petitioner contends that the petitioner herein is in custody in the aforesaid FIR for more than 02 years and on account of the supplementary challan presented, trial of the case is to start *de novo*. It is contended that the prosecutrix and the petitioner herein had solemnized a marriage as per Sikh rites on 06.12.2018 and thereafter, approached this court seeking protection of their life and liberty by filing petition bearing CRM No.M-54632 of 2018. In the said petition, the date of birth of the girl was mentioned as 18.09.2000 making her a major. The said petition for protection was disposed of by this court with a direction to provide protection. It is contended that thereafter, the petitioner was arrested and has been in custody for more than two years and it will take sufficient time to conclude the trial on account of Covid-19 pandemic and the supplementary challan presented.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, while submitting that there are serious allegations that have been levelled against the petitioner herein. However, he does not dispute the fact that a supplementary challan stands presented in the matter and the trial is to start *de novo*.

I have heard learned counsel for the parties.

In view of the facts that the petitioner herein has been in custody for more than two years, trial of the case has to start *de novo* on

account of presentation of supplementary challan in the matter, therefore, it will take sufficient time to conclude the trial and that the prosecutrix is now residing with her parents, as such, there is no likelihood of influencing the material witness, 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 adequate personal bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate.

However, 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 effect on the merits of the case.

May 28, 2021
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No