

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

(222)

CRM-M-2726-2021 (O&M)
Date of Decision: 10.08.2021
(Heard through VC)

PREM KUMAR @ PRINCE

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Mansur Ali, Advocate
for the petitioner.

Ms. Rashmi Attri, A.A.G., Punjab.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No. 0332 dated 22.12.2019 under Sections 363, 366-A of Indian Penal Code and Section 4 of the Protection of Children from Sexual Offence Act, 2012 (Section 376 IPC added later on) registered at Police Station Moti Nagar, District Ludhiana.

Learned counsel for the petitioner contended that the allegation of Section 376 IPC which was added later on, would not be sustainable on the ground that her statement under Section 164 Cr.P.C. does not reflect an offence under Section 376 IPC. Moreover, the statement of the prosecutrix has already been recorded, in which there is no such allegation. Apart from that, medical too does not support the case. Learned counsel for the petitioner herein would contend that the petitioner has been in custody since

23.12.2019, and the trial is not likely to conclude within a short span of

time. It is also submitted that out of total 11 prosecution witnesses cited, only 01 witness has been examined. Moreover as the material witness namely the prosecutrix stands examined, therefore, there is no likelihood of him influencing her.

I have heard learned counsel for the parties and have also perused the paper book. The trial is likely to take some time to conclude owing to present COVID-19 pandemic situation. The statement of the prosecutrix has been recorded.

In the aforesaid facts and circumstances of the case, no useful purpose would be served in keeping the petitioner behind the bars any longer. The instant petition is allowed and the petitioner is directed to be released on regular bail on his execution of personal/surety bonds to the tune of ₹ 2,00,000/- (rupees two lakhs only) each 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

10.08.2021
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Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No