

**213 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(through video conferencing)**

CRM-M-3051-2021
Decided on : 02.08.2021

Gurnam Singh @ Bura

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. J.S.Moudgill, Advocate
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

Manjari Nehru Kaul, J.

Instant petition has been filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.143 dated 22.07.2020 registered under Sections 376-D, 341 and 506 IPC,1860 and Section 4 of POCSO Act, 2012 at Police Station Talwandi Sabo District Bathinda.

Learned counsel for the petitioner inter alia contends that the petitioner has been in custody since 23.07.2020 on the allegations of having sexually violated the person and modesty of the prosecutrix. He submits that the false implication of the petitioner is evident from the fact that both the material witnesses i.e. prosecutrix as well as her father did not support the case of prosecution and were declared hostile. In support of his submissions, he has placed on record the deposition of the prosecutrix, who stepped into the witness box as PW-1 and her father, who stepped into the witness box as PW-2. He further submits that 16 prosecution witnesses remain to be examined hence, there is no likelihood of the trial concluding in the near future. Hence, prayer has been made for extending the

concession of bail to the petitioner.

Per contra, learned State counsel has opposed the prayer and submission of learned counsel for the petitioner. He on instructions from SI Bhupinderjit Singh has however not been able to controvert the factum of the prosecutrix as well as her father having turned hostile during trial.

Heard.

In view of the submissions made by learned counsel and the fact that the petitioner has been in custody since 23.07.2020, the trial is unlikely to conclude in the near future more so in the wake of outbreak of pandemic Covid-19. Hence, the present petition is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

02.08.2021

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Whether speaking/reasoned:

Yes/No

Whether reportable :

Yes/No