

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

212

**CRM-M-5792-2021 (O&M)
Date of Decision: 23.07.2021**

SACHIN GILL

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. R.S. Sohi, Advocate for the petitioner.

Mr. Amit Mehta, Sr. D.A.G. Punjab.

HARNARESH SINGH GILL, J.(Oral)

Case is taken up for hearing through video conferencing.

Through this 2nd petition filed under Section 439 Cr.P.C., the petitioner seeks regular bail in case bearing FIR No.306 dated 14.11.2019, registered under Sections 354-A, 458, 511, 323, 506 IPC and Section 12 POCSO Act, at Police Station Kotwali, District Patiala, Punjab.

Learned counsel for the petitioner submits that as per the prosecution version, there are two fold allegations against the petitioner: first, that the petitioner entered the room of the complainant late evening and, secondly, the petitioner sent some Whatsapp messages to the complainant. However, the complainant while appearing as PW-1, in her cross-examination, has stated that the petitioner did not enter her room but only tried to do so. With regard to the second allegation of sending Whatsapp message, learned counsel for the petitioner submits that till date, no such messages have been produced before the investigating agency or attached with the challan. He further submits that the petitioner has been in custody for the last more than 1 year and 8 months and that there is no other case registered or pending against him.

On the other hand, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. He, however, submits that there are serious allegations against the petitioner, who is the son of the owner of the P.G., in which the complainant/victim was residing, that he entered the room of the complainant/victim at odd hours. He further submits that the petitioner sent obnoxious messages on Whatsapp to the complainant/victim.

I have heard the learned counsel for the parties.

It is a case in which the complainant/victim, while appearing as PW-1 in her cross-examination, has denied the fact that the petitioner entered her room and has merely stated that the petitioner tried to enter her room. As far as the Whatsapp messages are concerned, the same have not been produced before the investigating agency, at any stage.

The petitioner has been in custody for more than 1 year and 8 months. Further, keeping in view the prevailing situation of Covid-19 pandemic, the trial of the case is unlikely to conclude any time soon. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

23.07.2021

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

Whether speaking/reasoned

: *Yes/No*

Whether reportable

: *Yes/No*