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

CRM-M No.5156 of 2021

Date of Decision: 03.03.2021

Sahil Singh

...Petitioner

Versus

State of Punjab

....Respondent

CORAM :- HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present:- Mr. A.N. Walia, Advocate
for the petitioner.

Mr. Luvinder Sofat, A.A.G., Punjab.

Manjari Nehru Kaul, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C for grant of regular bail to the petitioner, in case FIR No.123 dated 05.08.2018 registered under Sections 363, 366, 376, 109, 120-B IPC and under Section 6 of the POCSO Act at Police Station Sultanwind, District Amritsar, Punjab.

Contends that a false case has been foisted upon the petitioner which finds credence from the testimony of the prosecutrix, who did not support the case of the prosecution during trial and was thus declared hostile. Learned counsel further submits that the petitioner has been in custody since 15.06.2019 and out of 15 prosecution witnesses cited, only 03 prosecution witnesses have been examined so far, which also include the prosecutrix, hence, there is no likelihood of the trial concluding anytime in the near future.

Per contra, learned State counsel while opposing the prayer, on instructions from ASI Vikramjit Singh, has not been able to controvert the fact that the prosecutrix did not support the case of the prosecution and was declared hostile.

Heard.

Keeping in view the fact that the petitioner has been in custody since 15.06.2019 and due to the outbreak of the pandemic Covid-19, the trial is unlikely to conclude in the near future, I deem it a fit case to grant the concession of bail to the petitioner. Therefore, without expressing anything on the merits of the case, the instant petition is allowed and the petitioner is ordered to be released on bail to the satisfaction of the trial Court/Duty Magistrate concerned.

(MANJARI NEHRU KAUL)
JUDGE

March 03, 2021
gurpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No