

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

101+206

**CRM-M-5154-2021(O&M)
Decided on : 18.03.2021**

HARPREET SINGH

... Petitioner(s)

Versus

STATE OF PUNJAB

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. Amit Dhawan, Advocate
for the petitioner.

Mr. Luvinder Sofat, AAG Punjab
assisted by ASI Jasvir Singh.

MANJARI NEHRU KAUL, J. (Oral)

CRM-7222-2021

For the reasons mentioned in the application, the same is allowed. Annexure P-4 is taken on record, subject to all just exceptions. The Registry is directed to place the same on the appropriate place.

CRM-M-5154-2021

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.173, dated 15.05.2019 under Sections 363 and 366-A of IPC registered at Police Station Phillaur, District Jalandhar.

2. Learned counsel contends that the petitioner has been falsely implicated in the FIR in question on the basis of misguided suspicion that he along with co-accused Manjeet Kaur had enticed away the daughter and niece of the complainant without there being any evidence on record, much

less, qualitative to connect the petitioner with the alleged crime. Learned counsel has invited the attention of the Court to the deposition of the complainant, who stepped into the witness-box as PW-1. As per the deposition of the complainant-PW1, his daughter and niece were major at the time of the occurrence. Still further, it has been submitted by the learned counsel that it leaves no manner of doubt that there are gaping holes and contradictions in the testimony of the complainant, which do create a big question mark about the authenticity of the allegations levelled.

3. Learned counsel has submitted that the petitioner has been in custody since 05th May, 2019 and only 01 out of 11 prosecution witnesses cited so far has been examined, hence, there is no likelihood of the trial concluding anytime in the near future, so the petitioner may be extended the concession of bail.

4. *Per contra*, learned State counsel while opposing the prayer and submissions made by the learned counsel for the petitioner on instructions from ASI Jasvir Singh has apprised the Court that prosecution evidence is underway and the delay in the trial has been on account of the outbreak of the pandemic COVID-19. He has fairly conceded that the testimony of the complainant-PW1 is rather scanty and self-contradictory at some places.

5. Heard.

6. In view of the submissions made by learned counsel for the parties, I deem it a fit case for grant of the concession of regular bail to the petitioner, as the trial is unlikely to conclude in the near future, more so, in the prevailing conditions due to the outbreak of COVID-19. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of

trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed as an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

March 18, 2021
S.Sharma(syr)

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*