

CRM-M-5320-2021
Decided on : 10.02.2021

Deepak Kumar @ Deepu

..... Petitioner

Versus

State of Punjab & ors.

..... Respondents

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAULPresent : Mr. H.S.Jalal, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

Manjari Nehru Kaul, J.

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.112 dated 17.07.2020 under Sections 363 and 366-A of IPC, 1860 and Sections 3 and 4 of POCSO Act, 2012 registered at Police Station Nehianwala, District Bathinda.

Learned counsel for the petitioner contends that the petitioner, who has been in custody since 18.07.2020, has been falsely implicated in the instant case without their being any shred of evidence against him qua the commission of offences under Sections 363 and 366-A of the Indian Penal Code, 1860 and Sections 3 and 4 of POCSO Act, 2012. While drawing the attention of the Court to Annexures P-2 and P-3, which are copies of statement of the two girls, who were allegedly enticed away by the petitioner, it has been contended that it is very evident that no sexual harassment was caused to the girls, much less, at the instance of the petitioner. It has been further submitted that a perusal of the aforementioned statements reveals that both the girls have stated that they had been roaming around the city of their own accord without any threat or fear. Further, it has

been contended that the MLRs of the two girls i.e. Annexure P-4 and P-5, further lends credence to a false case having been planted against the petitioner as no evidence had come during the medical examination of both the girls of having been sexually assaulted. Learned counsel contends that the trial is unlikely to conclude in the near future as only challan has been presented till date. It has also been contended that similarly situated co-accused has already been granted regular bail by this Court vide order dated 13.01.2021 and hence, the petitioner may be extended the concession of regular bail.

Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner on instructions from ASI Buta Singh has not been able to controvert the factual aspect of the submissions so made by the learned counsel for the petitioner.

Heard.

In view of the submissions made by learned counsel and the fact that the petitioner has been in custody since 18.07.2020, 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.

10.02.2021
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:
Whether reportable :

Yes/No
Yes/No