

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

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**CRM-M-11639-2021
Decided on : 18.03.2021**

Babbi Singh alias Babbu

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. Harinder Pal Singh Ishar, Advocate
for the petitioner(s).

Mr. Luvinder Sofat, AAG, Punjab
assisted by SI Nazar Singh.

MANJARI NEHRU KAUL, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 89, dated 30.05.2020, under Sections 363, 366-A IPC and section 8 of the POCSO Act, 2012, registered at Police Station Bareta, District Mansa.

Learned counsel for the petitioner contends that in fact the petitioner and the prosecutrix (aged 17 years, 9 ½ months), were having an affair. However, the family of the prosecutrix were averse to their relationship, which was the reason behind the registration of the FIR in question. Learned counsel further submits that the false implication of the petitioner finds credence from the fact that in her statement recorded under Section 164 Cr.P.C., prosecutrix did not level any allegation against the petitioner, much less, of any sexual assault. He further submits that the prosecutrix also refused to get herself medically examined, after her alleged

recovery from the custody of the petitioner.

Per contra, learned State counsel has opposed the prayer and submissions of learned counsel for the petitioner. He has, however, not been able to controvert the fact that the prosecutrix subsequent to her recovery, did not level any allegation against the petitioner and conceded that there was no MLR on record of the prosecutrix. He has further submitted that the final report under Section 173 Cr.P.C. stands presented, however, the charges have not yet been framed on account of the outbreak of pandemic COVID-19.

Heard.

In view of the submissions made by learned counsel for the parties and keeping in view the fact that petitioner has been in custody since 01.06.2020, 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 to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

March 18, 2021

J.Ram

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