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

CRM-M-14738-2021

Date of decision : 28.07.2021

Ram Kumar

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Ms. Arti Kaur, Advocate
for the petitioner.

Mr. H.S. Multani, AAG, Punjab.

Mr. Rahul Bhargava, Advocate
for the complainant.

RAJESH BHARDWAJ, J. (Oral)

Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

The present petition is filed under Section 439 Cr.P.C. seeking grant of regular bail in FIR No.46 dated 22.04.2020 registered under Sections 363, 366-A, 376, 376-D of the Indian Penal Code, 1860 and Sections 6/17 of POCSO Act, 2012 at Police Station Rahon, District SBS Nagar.

Learned counsel for the petitioner at the outset submits that co-accused namely, Mangal Ram, who is similarly situated to the petitioner, has already been granted benefit of regular bail vide order dated 12.03.2021 which has been placed on record as Annexure P-4. She further submits that

the prosecutrix as well as the complainant have not supported the case of the prosecution before the trial Court.

Mr. Rahul Bhargava, Advocate for the complainant candidly submits that the contention of learned counsel for the petitioner that the prosecutrix and the complainant have not supported the case is factually right.

Learned State counsel has not denied the contentions of the parity claimed by the counsel for the petitioner.

Petitioner is behind bars since 22nd April, 2020. In the totality of the facts and circumstances of the case and keeping in view the custody period undergone by the petitioner, I find that learned counsel for the petitioner has succeeded in making out a case for bail to the petitioner. The present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

28.07.2021
m. sharma

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No