

CRM-M-19909 of 2021

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

(Proceedings through video conferencing)

CRM-M-19909 of 2021
Date of decision: 13.07.2021

Sandeep

.....Petitioner

vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. P.K.S. Phoolka, Advocate, for the petitioner.
Mr. S.P.S. Tinna, Addl. A.G., Punjab.

ASHOK KUMAR VERMA, J. (ORAL)

In compliance with order dated 29.06.2021, statement of the prosecutrix recorded under Section 164 Cr.P.C., sent through Whatsapp, is taken on record. Registry is directed to place the same at appropriate place of the case file.

Through instant second petition filed under Section 439 Cr.P.C. petitioner seeks the grant of regular bail in FIR No.61 dated 20.03.2020 registered under Sections 363/366-A/376/120-B IPC and Sections 5 & 6 of the Protection of Children from Sexual Offences Act, 2012 at Police Station Canal Colony, Bathinda, District Bathinda.

The story of the prosecution is that case was registered on the statement of Roma, mother of prosecutrix alleging that the prosecutrix is minor as her date of birth is 15.11.2003. She was studying in 10th standard in High School at Sanjay Nagar. On 16.3.2020 she left for selling

CRM-M-19909 of 2021

fish on her shop situated near Jodhpur minor/distributory. Her son, who was plying auto rickshaw also left the house for his job. Her daughter i.e. prosecutrix was alone at home. At about 8.30 p.m., when the complainant returned home, she found the prosecutrix missing. On enquiry, they came to know that her daughter/prosecutrix had been enticed away by Roshan s/o Hari Ram on the pretext of marriage by conniving with his brother Sandeep, mother Mayawati and sister of his mother i.e. Banno r/o Yamuna Nagar.

Learned counsel for petitioner has submitted that petitioner-Sandeep is innocent. He is the unmarried brother of main accused Roshan and has been falsely implicated in this case. No role whatsoever has been attributed to the petitioner as per statement made by prosecutrix under Section 164 Cr.P.C. Petitioner has been in judicial custody since 22.3.2020. Report under Section 173 Cr.P.C. has been filed and charges are yet to be framed. Learned counsel further submits that co-accused of the petitioner, namely, Mayawati has been granted regular bail by this Court vide order dated 29.12.2020 passed in CRM-M-20319 of 2020. Conclusion of petitioner's trial may take a sufficient long time especially in the prevailing circumstances of Covid-19 pandemic. No useful purpose would be served by keeping the petitioner behind bars any more. Therefore, considering the case of the petitioner on the same parity as that of his co-accused, petitioner may also be granted concession of regular bail.

Learned counsel for the State has vehemently opposed the grant of regular bail to petitioner-Sandeep. He has submitted that petitioner-

CRM-M-19909 of 2021

Sandeep has been specifically named by the complainant in her initial version and allegations against him are serious in nature.

I have heard learned counsel for the parties and gone through the paper-book.

Perusal of the copy of statement of prosecutrix recorded under Section 164 Cr.P.C. reveals that no role whatsoever has been attributed to the present petitioner and the prosecutrix has not uttered even a single word against the petitioner. Petitioner is the unmarried brother of accused Roshan. The fact remains that the prosecutrix has been recovered and main accused has already been arrested. The role of petitioner-Sandeep is yet to be established during the course of trial. Investigation is complete and challan has since been presented. Petitioner-Sandeep is under incarceration since 22.3.2020. Due to outbreak of pandemic of COVID-19, trial would take a long time to conclude. No useful purpose would be served by keeping petitioner-Sandeep behind the bars.

In view of the above and without expressing any opinion on the merits of the case, this petition is allowed. Petitioner-Sandeep is ordered to be released on bail on the same parity as that of his co-accused-Mayawati, subject to his furnishing adequate bail/surety bonds to the satisfaction of the concerned trial court/Duty Magistrate.

July 13, 2021
R.S.

(Ashok Kumar Verma)
Judge

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No