

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(Through video conferencing)**

228

CRM-M-22166-2021

Date of Decision: 29.06.2021

GAUTAM

... Petitioner

VERSUS

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Anil Kumar Spehia, Advocate
for the petitioner.

Mr. Manreet Singh Nagra, AAG, Punjab.

MANJARI NEHRU KAUL, J.(Oral)

This is the first petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.186 dated 28.07.2020 lodged under Sections 376-D and 506 of the Indian Penal Code and Section 67 of the Information Technology Act, 2000, at Police Station Adampur, District Jalandhar.

Learned counsel submits that the false implication of the petitioner in the case in hand is evident from the fact that the prosecutrix while stepping into the witness box as PW-1 did not support the case of the prosecution and was declared hostile. It has been submitted that petitioner has been in custody since 07.09.2020 and there is no likelihood of the trial concluding in the near future as 14 prosecution witnesses remain to be examined.

Per contra learned State counsel while opposing the prayer of the petitioner on instructions from ASI Chanchal Singh has

not been able to controvert the factum of the prosecutrix not supporting the case of the prosecution and having been declared hostile during trial.

Heard.

In view of the submissions made by learned counsel for the petitioner and the fact that the petitioner has been in custody since 07.09.2020, the trial is unlikely to conclude in the near future more so in the wake of outbreak of pandemic COVID-19. The present petition is, thus, 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.

(MANJARI NEHRU KAUL)
JUDGE

29.06.2021
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No