

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

CRM-M- 21948-2021 (O&M)

Date of Decision: 06.07. 2021

(Heard through VC)

Sumit alias Babbu

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Rajesh Duhan, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

JAISHREE THAKUR, 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. 02 dated 01.01.2021 under Sections 363, 366 of Indian Penal Code registered at Police Station Kotwali, District Patiala.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the FIR. It is contended that the petitioner herein is in custody since 02.02.2021 and that a reading of the FIR would reflect that the allegations as set out in the FIR are not sustainable as the prosecutrix in her statement recorded under Section 164 Cr.P.C. submitted that she had left her home with her own consent and gone with the petitioner. It is argued that the petitioner is not facing any charges under

Section 376 IPC or the POCSO Act as the prosecutrix refused to get her medical examination done. It is further argued that the investigation is complete in the matter and the charges are framed apart from contending that there is no likelihood that the petitioner may influence the prosecutrix as she is in the custody of her parents.

Learned counsel for the respondent-State, on instructions from the Investigating Officer opposes grant of regular bail to the petitioner while pointing to the seriousness of allegations levelled against him, however, she does not dispute the fact that only Section 363 and 366 IPC have been added in the FIR.

I have heard learned counsel for the parties and have also perused the paper book. Since the trial is likely to take some time to conclude owing to present COVID-19 pandemic situation and the investigation is complete and the charges have already been framed, no useful purpose would be served in keeping the petitioner behind bars any longer. The instant petition is allowed and the petitioner is directed to be released on regular bail on his execution of adequate personal/surety bonds to the satisfaction of concerned trial Court/Duty Magistrate. However, any observation made herein shall not be construed to be an expression on merits of the case.

06.07.2021

*seema***(JAISHREE THAKUR)**
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No