

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

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**CRM-M-22492-2021
Date of Decision: 29.06.2021**

DHARAMRAJ

... Petitioner

VERSUS

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Ashish Pal Kaushal, 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.58 dated 25.03.2021 under Sections 363 and 366-A and 376 of IPC and Section 4 of POCSO ACT, 2012, registered at Police Station Division No.6, District Police Commissionnerate, Ludhiana.

While inviting the attention of this Court to the FIR in question annexed as P-1 as well as the statement of the prosecutrix recorded under Section 164 Cr.P.C. it has been contended that there is no allegation much less by way of a whisper qua any wrong act having been committed by the petitioner. Learned counsel further submits that in her statement under Section 164 Cr. P.C., the prosecutrix had stated that she had accompanied the main accused Ashok Kumar Verma of her own accord with an intention to solemnize marriage. It has been submitted that in the facts and circumstances of the case, the mischief to attract the ingredients

of offences under Section 363, 366-A, 376 of IPC and Section 4 of POCSO are clearly not made out against the petitioner.

Per contra learned State counsel has very fairly conceded on instructions from ASI Paramjit Singh that the petitioner has not been attributed any role either in the FIR which was got registered by the complainant father nor in the statement of the prosecutrix recorded under Section 164 of the Cr.P.C..

Heard.

In view of the submissions made by learned counsel for the petitioner and the fact that the petitioner has been in custody since **19.04.2021**, 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