

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

(Heard through VC)

CRM-M-23137 of 2021 (O&M)

Date of Decision: June 30, 2021

Mandeep Kumar

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Ms. Sharmila Sharma, 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.190 dated 30.12.2020, under Sections 315 and 376AB of Indian Penal Code and Section 6 of POCSO Act, registered at Police Station Shambu, District Patiala.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 31.12.2020. It is submitted that the petitioner has been falsely implicated in the present case. It is argued that the medical available on record would clearly show that the complainant could not have been pregnant, therefore, question of him having caused the miscarriage does not arise. It is also submitted that the allegations that he has subjected the minor sister of the complainant to

sexual abuse under the POCSO Act would not hold water as she was sleeping in the same room as that of her parents. It is also contended that investigation is complete, as the challan has already been presented and conclusion of trial will take sufficient time, as such, the petitioner is entitled to be enlarged on bail.

Per contra, learned counsel appearing on behalf of the respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, while submitting that there are serious allegations that have been levelled against the petitioner. However, she does not dispute the fact that challan has been presented in the matter.

I have heard learned counsel for the parties.

In view of the facts that the petitioner herein has been in custody since 31.12.2020 and investigation is complete, as the challan has already been presented, no useful purpose would be served in keeping the petitioner behind bars. At this stage, without commenting on the merits of the case, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate.

However, anything observed or said by this court is only for the purpose of deciding the instant petition for grant of regular bail and the same shall have no affect on the merits of the case.

June 30, 2021
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No