

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

CRM-M-24037-2021
Decided on : 02.07.2021

Jassa Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Mukesh Garg, Advocate
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

Manjari Nehru Kaul, J.

Instant petition has been filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.247 dated 07.09.2020 registered under Section 376 366A 506 IPC, 1860 read with Section 4 POCSO Act at Police Station Sadar Samana District Patiala.

Learned counsel for the petitioner inter alia contends that the false implication of the petitioner in the case is evident from the fact that both the victim and the complainant did not support the case of the prosecution during their deposition as PW-2 and PW-3 during trial as a result of which they were declared hostile. Learned counsel submits that he has been in custody since 07.09.2020 and only three out of 13 prosecution witnesses cited have been examined so far. Hence, there is no likelihood of the trial concluding in the near future and a prayer has been made for extending the concession of regular bail to the petitioner.

Per contra, learned State counsel while opposing the prayer of learned counsel for the petitioner on instructions from ASI Harvinder Singh

has stated that the two material witnesses i.e. victim and the complainant resiled during trial and were declared hostile.

Heard.

In view of the submissions made by learned counsel 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. Hence, the present petition is 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

02.07.2021

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