

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

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**CRM-M-23967-2021
Decided on : 01.07.2021**

Gurpreet Singh @ Mana

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. A.S. Jattana, Advocate
for the petitioner(s).

Mr. Luvinder Sofat, AAG, Punjab
assisted by SI Uma Devi.

MANJARI NEHRU KAUL, 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. 102, dated 23.09.2020, under Sections 363, 366-A, 376, 376-D, 34 IPC and Sections 4, 6, 17 of the POCSO Act, registered at Police Station Balongi, District SAS Nagar (Mohali).

Learned counsel for the petitioner submits that the FIR was registered against the unknown persons by the father of the prosecutrix. It has been submitted that, in fact, it was very evident that the prosecutrix, who was just a couple months short of 18 years, was a consenting party, as she had stated both in her statement recorded under Section 164 Cr.P.C. as well as when she was examined by the Doctor subsequent to her recovery from the custody of the petitioner that she had accompanied the petitioner of her own accord. Learned counsel further submits that the petitioner has been in custody since 28.09.2020 and charges have not yet been framed,

hence, there is no likelihood of the trial concluding anytime in the near future.

Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from SI Uma Devi, has very fairly conceded that the prosecutrix did not level any allegation of forcible abduction, much less, rape against the petitioner, both while recording her statement under Section 164 Cr.P.C. as well as during her medical examination.

Heard.

In view of the submissions made by learned counsel for the parties and keeping in view the fact that the petitioner has been in custody since 28.09.2020, I deem it a fit case for grant of the concession of regular bail to the petitioner, as the trial is unlikely to conclude in the near future, more so, in the prevailing conditions due to the outbreak of COVID-19. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of 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

July 01, 2021

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*