

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

223

**CRM-M-24096-2021
Decided on : 01.07.2021**

Gobind Raj Sharma

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. Shivam Malhotra, Advocate for
Mr. Manuj Nagrath, Advocate
for the petitioner(s).

Mr. Luvinder Sofat, AAG, Punjab
assisted by SI Rash Pal.

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. 184, dated 02.09.2020, under Sections 376-D, 506, 120-B IPC, Section 67-A of the Information Technology Act, 2000 and Section 6 of the POCSO Act, 2012, registered at Police Station Division No.3, Ludhiana.

Learned counsel for the petitioner *inter alia* contends that the petitioner was neither named in the FIR in question nor attributed any role either in the FIR or in the statement recorded under Section 164 Cr.P.C. of the prosecutrix. Further submits that he was just an occupant of the house where the prosecutrix was raped. Learned counsel submits that the petitioner has been in custody since 03rd September, 2020 and only 01 out of the 13 prosecution witnesses cited, have been examined so far. Hence, there is no likelihood of the trial concluding anytime in the near future, therefore, the petitioner be extended the concession of regular bail.

Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from SI Rash Pal, has very fairly conceded that there are no allegations levelled against the petitioner of having committed rape upon the prosecutrix.

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 03rd September, 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*