

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

214

**CRM-M-24428-2021
Decided on : 05.07.2021**

Davinder Singh

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. Atul Goyal, Advocate
for the petitioner(s).

Mr. Luvinder Sofat, AAG, Punjab
assisted by ASI Jasvir Singh.

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. 34, dated 09.03.2020, under Sections 363, 366-A, 506, 120-B IPC (Section 376 IPC and Section 6 of the POCSO Act, 2012 added later on), registered at Police Station Dasuya, Hoshiarpur.

Learned counsel for the petitioner submits that the petitioner has been in custody since 27th October, 2020 and only one out of the 14 prosecution witnesses cited, has been examined so far. While inviting attention of this Court to the allegations levelled in the FIR in question, it has been submitted that all the allegations are against the petitioner's son, who allegedly after luring the victim performed marriage with her. Learned counsel has also invited the attention of this Court to the statement of the victim recorded under Section 164 Cr.P.C., which is reproduced in the present petition. Learned counsel submits that a perusal of the said

statement also reveals that there is not even a whisper of any allegation against the petitioner.

Per contra, learned State counsel has opposed the prayer and submissions made by learned counsel for the petitioner. He has, however, not been able to controvert the factual aspect of the submissions so made by learned counsel for the petitioner with respect to the contents of the FIR as well as the statement of the victim recorded under Section 164 Cr.P.C.

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 27th October, 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 05, 2021

J.Ram

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