

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

**224**

**CRM-M-25949-2021  
Decided on : 13.07.2021**

Gurcharan Singh

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

**(Through Video Conferencing)**

PRESENT: Mr. Gurinder Singh Hayer, Advocate  
for the petitioner(s).

Mr. Luvinder Sofat, AAG, Punjab  
assisted by ASI Balraj Singh.  
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**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. 38, dated 16.02.2021, under Sections 363, 366-A IPC (added later on Section 376 IPC and Section 6 of the POCSO Act), registered at Police Station Lambi, District Sri Muktsar Sahib Civil Lines, District Patiala, Punjab.

Learned counsel for the petitioner submits that the petitioner has been in custody since 22<sup>nd</sup> February, 2021. It has been submitted that it is a case of false implication, which stands substantiated from the fact that the prosecutrix did not attribute any role to him either in her statement recorded under Section 161 Cr.P.C. or in her statement recorded under Section 164 Cr.P.C.

*Per contra*, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from ASI Balraj Singh, has apprised the Court that the charges are likely to be framed in the near future. He has, however, not been able to controvert

the submissions made by learned counsel for the petitioner that prosecutrix has not uttered a single word against the petitioner in both her statements recorded under Sections 161 and 164 Cr.P.C., respectively.

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 22<sup>nd</sup> February, 2021, 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 13, 2021**

*J.Ram*

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