

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

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**CRM-M-25978-2021
Decided on : 16.07.2021**

Hardeep Singh

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. Mandeep Kumar Dhot, Advocate
for the petitioner(s).

Mr. Luvinder Sofat, AAG, Punjab
assisted by ASI Pawan 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. 15, dated 04.02.2021, under Sections 363, 366-A IPC [added later on Sections 376(2)(N), 120-B of IPC and Section 6 of the POCSO Act, 2012)], registered at Police Station Longowal, District Sangrur.

Learned counsel for the petitioner submits that a perusal of the statement recorded under Section 164 Cr.P.C. reveals that no allegations of rape has been alleged against the petitioner by the prosecutrix and even in her supplementary statement recorded after two months thereafter on 05th April, 2021, no such allegations were levelled, rather, only allegations levelled were that the petitioner had accompanied the prosecutrix and the main accused to his native village, after she went missing from her home.

Learned counsel further submits that the petitioner has been in custody since 19th March, 2021 and there is no likelihood of the prosecution evidence commencing anytime in the near future, as only challan stands

presented as on date.

Per contra, learned State counsel on instructions from ASI Pawan Singh, has fairly conceded that no allegations of rape have been levelled against the petitioner and the only allegations levelled against him are of helping the prosecutrix and co-accused, after the former left her home on 03rd February, 2021.

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 19th March, 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 16, 2021

J.Ram

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