

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

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**CRM-M-26591-2021(O&M)
Decided on :15.07.2021**

GURINDER SINGH

. . . Petitioner(s)

Versus

STATE OF PUNJAB

. . . Respondent(s)

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL
(Through Video Conferencing)**

PRESENT: Mr.Ghulam Nabi Malik, Advocate
for the petitioner.

Mr. Luvinder Sofat, AAG Punjab
assisted by ASI Tek Chand.

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.103, dated 02.03.2021 under Sections 363, 366-A, 376, 511, 506, 120-B, 341 (added later on) and Section 4 and 18 of the POCSO Act registered at Police Station City Barnala, District Barnala.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the case in hand. It has been further submitted that the petitioner was neither named in the FIR nor any role attributed to him. He submits that it was only in the statement of the victim recorded under Section 164 Cr.P.C., the name of the petitioner came to light for the first time, wherein it was alleged that when co-accused Manpreet Singh took the victim away, he handed over her school bag and cycle to the petitioner. It has also been submitted that there are no allegations levelled by the victim against the petitioner of having committed any sexual assault on her. He further submits that the petitioner has been in custody since 07.03.2021 and only charges have been framed till date, hence

there is no likelihood of the trial concluding any time in the near future.

Per contra, learned State counsel while opposing the prayer and submissions made by the learned counsel for the petitioner on instructions from ASI Tek Chand has fairly conceded that there are no allegations levelled against the petitioner of having committed any rape upon the petitioner and the only role attributed to him is that he took into possession the school bag and cycle of the victim.

Heard.

In view of the submissions made by learned counsel for the parties, 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. 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 as an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

July 15, 2021

S.Sharma(syr)

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>