

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(through video conferencing)**

CRM-M-24234-2020
Decided on : 19.08.2021

Krishan Lal

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. S.K.Virk, Advocate
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

Manjari Nehru Kaul, J.

Instant petition has been filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.40 dated 18.04.2020 registered under Sections 363, 366, 376 IPC, 1860 and Section 4 of POCSO Act, 2012 at Police Station Mehtiana District Hoshiarpur.

Learned counsel for the petitioner *inter alia* contends that the false implication of the petitioner in the case in hand is evident from the fact that the prosecutrix, who was 17 years and 02 months old at the time of alleged offence, while stepping into the witness box as PW-3, did not support the case of the prosecution as a result of which she was declared hostile. He further submits that there is no likelihood of the trial concluding in the near future as six more prosecution witnesses remain to be examined. The petitioner has been in custody since 19.04.2020. Hence, a prayer has been made for extending the concession of bail to the petitioner.

Per contra, learned State counsel while opposing the prayer of learned counsel for the petitioner has conceded that the prosecutrix did not support the case of the prosecution. He, on instructions from ASI Surinder Pal has submitted that the next date fixed before the trial Court is 07.09.2021 when some more prosecution witnesses are likely to be examined.

Heard.

In view of the submissions made by learned counsel and the fact that the petitioner has been in custody since 19.04.2020, the trial is unlikely to conclude in the near future. Hence, the present petition is allowed and the petitioner is admitted to bail to the satisfaction of the 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

19.08.2021

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Whether speaking/reasoned:

Yes/No

Whether reportable :

Yes/No