

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

113

CRM-M-24528-2020

Date of Decision:13.01.2021

Ranjit Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

**Present: Mr. K.B. Raheja, Advocate,
for the petitioner.**

Mr. Avtar Singh Sandhu, Addl. A.G., Punjab.

HARI PAL VERMA, J.(Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.276 dated 21.12.2018 under Sections 363, 366-A IPC, 1860 and Sections 3, 4 of the POCSO Act, 2012 (the offences under Sections 376, 201, 120-B IPC were added later on) registered at Police Station Sadar, Ferozepur.

Learned counsel for the petitioner has argued that the petitioner was arrested in the case on 25.12.2018. As against total 20 witnesses cited by the prosecution, no witness has been examined in the case so far. Even statement of the prosecutrix was recorded under Section 164 Cr.P.C. on 25.12.2018, wherein she has not made any allegation against the petitioner

regarding commission of rape and, rather, shown her inclination to go with the petitioner.

Custody certificate is taken on record.

Learned State Counsel does not dispute the custody period of the petitioner. However, he submits that the prosecutrix in her statement recorded under Section 161 Cr.P.C. on 08.02.2019 has made allegation against the petitioner for commission of rape.

Heard learned counsel for the parties.

Petitioner is in custody since 25.12.2018. Statement of the prosecutrix was recorded under Section 164 Cr.P.C. on 25.12.2018, wherein she has not made any allegation against the petitioner regarding commission of rape. It is only thereafter i.e. on 08.02.2019, she has made the statement under Section 161 Cr.P.C., alleging therein commission of rape against the petitioner. As against total 20 witnesses cited by the prosecution, not even a single witness has been examined in the case so far. Trial in the case is not likely to be concluded in the near future. Moreover, COVID-19 pandemic has adversely affected the regular trial, this Court deems it appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate.

The observations made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall proceed with the trial independently without being influenced by the order of bail passed by this Court.

However, it is made clear that the petitioner shall not extend any threat and shall not try to influence any prosecution witnesses directly or indirectly in any manner.

January 13, 2021
seema

(HARI PAL VERMA)
JUDGE

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