

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

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**CRM-M-31553-2021 (O&M)
Decided on : 16.08.2021**

RITIK ROSHAN

... Petitioner(s)

Versus

STATE OF PUNJAB

... Respondent(s)

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

PRESENT: Mr. Kanwaljeet Singh Brar, Advocate
for the petitioner(s).

Mr. Luvinder Sofat, AAG Punjab
assisted by ASI Chamkaur 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.214, dated 23.11.2019 under Sections 363, 366-A, 120-B of the IPC (Section 376 IPC and Sections 3 and 4 of the POCSO Act) registered at Police Station City Kotkapura.

Learned counsel *inter alia* contends that the petitioner was not named in the FIR in question and it was only subsequently in her statement recorded under Section 164 CrPC, the prosecutrix assigned a role to the petitioner. It has been submitted that even in her statement recorded under Section 164 CrPC, the prosecutrix has not levelled any allegation of rape or sexual assault against the petitioner and only role attributed to the petitioner is that he escorted the prosecutrix to the main accused Gautam, who thereafter committed rape upon the her. Learned counsel submits that the petitioner has been in custody since 08.09.2020 and there is no likelihood of the trial concluding any time in the near future as only 02 prosecution witnesses including the prosecutrix stand examined out of total 17 prosecution witnesses.

Per contra, learned State counsel while opposing the prayer and submissions of the learned counsel for the petitioner on instructions from ASI Chamkaur Singh has not been able to controvert the factual aspects of the submissions so made by the learned counsel with respect to the role assigned to the petitioner in the crime in question.

Heard.

In view of the submissions made by learned counsel for the parties, I deem it a fit case to extend the concession of 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

August 16, 2021
S.Sharma(syr)

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