

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

CRM-M-33731-2021
Decided on : 14.09.2021

Vinod Kumar @ Laddi Shah

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. G.S.Madaan, Advocate with
Mr. Ritesh Pandey, 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.96 dated 11.06.2021 registered under Sections 376, 506 IPC, 1860 and Section 4 of POCSO Act at Police Station Division No.2 District Pathankot.

Learned counsel for the petitioner *inter alia* contends that it was on account of some misguided suspicion that FIR in question was got registered against the petitioner on the allegations that he had sexually violated the person of the victim, aged 13 years. Learned counsel submits that false implication of the petitioner is evident from the fact that neither did the victim levelled any allegations of any wrong doing much less rape against the petitioner in her statement recorded under Section 164 Cr.PC nor did she subject herself for medical examination, which could have substantiated the allegation of rape. A prayer therefore, has been made to extend the concession of bail to the petitioner as he has been in custody since 11.06.2021.

Per contra, learned State counsel while opposing the prayer of learned counsel for the petitioner has not been able to controvert the factual aspect of the submissions made by learned counsel for the petitioner. He on instructions from ASI Balwinder Singh has apprised the Court that challan stands presented.

Heard.

In view of the submissions made by learned counsel and the fact that the petitioner has been in custody since 11.06.2021, 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

14.09.2021

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Whether speaking/reasoned:

Yes/No

Whether reportable :

Yes/No