

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

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**CRM-M-31887-2020(O&M)
Decided on : 13.01.2021**

ROHIT KUMAR

. . . Petitioner

Versus

STATE OF PUNJAB

. . . Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. Harpinder Singh Jalal , Advocate
for the petitioner.

Mr. Bhupinder Beniwal, AAG Punjab
assisted by HC Jagdeep.

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. 112, dated 17.07.2020, under Sections 363 and 366-A of the Indian Penal Code, 1860 and Sections 3 and 4 of POCSO Act, 2012 registered at Police Station Nehianwala, District Bathinda.

Learned counsel for the petitioner contends that the petitioner who has been in custody since 18.07.2020 has been falsely implicated in the instant case without their being any shred of evidence against him qua the commission of offences under Sections 363 and 366-A of the Indian Penal Code, 1860 and Sections 3 and 4 of POCSO Act, 2012. While drawing the attention of the Court to Annexure P-2 and P-3, which are copies of statement of the two girls who were allegedly enticed away by the petitioner, it has been contended that it is very evident that no sexual harassment was caused to the girls, much less, at the instance of the petitioner. It has been further submitted

that a perusal of the aforementioned statements reveals that the both the girls have stated that they had been roaming around the city of their own accord without any threat or fear. Further, it has been contended that the MLRs of the two girls i.e. Annexure P-4 and P-5, further lends credence to a false case having been planted against the petitioner as no evidence had come during the medical examination of both the girls of having been sexually assaulted. Learned counsel contends that the trial is unlikely to conclude in the near future as only challan has been presented till date, hence, the petitioner may be extended the concession of regular bail.

Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner on instructions from HC Jagdeep has not been able to controvert the factual aspect of the submissions so made by the learned counsel for the petitioner.

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, more so, in the prevailing conditions due to the outbreak of COVID-19. 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

January 13, 2021

S.Sharma(syr)

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