

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

CRM No.M-37683 of 2021 (O&M)

Date of Decision: October 14, 2021

Raj Kumar alias Raju

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Ms.Arshdeep Kaur, Advocate for
Mr.Sukhjit Singh, Advocate
for the petitioner.

Ms.Jaspreet Kaur, AAG, Punjab
for the respondent-State.

ARCHANA PURI, J.

The matter has been taken up through video conferencing in the
light of COVID-19 pandemic.

The petitioner has filed this second petition under Section 439
Cr.P.C. for seeking regular bail in case FIR No.0080 dated 20.05.2019
under Sections 376 read with Section 511 IPC and Section 4 of the POCSO
Act, Police Station Dakha, Ludhiana.

Heard on the bail petition.

Custody certificate of the petitioner has been filed and the same
is taken on record.

The aforesaid case was registered at the instance of Jasvir Kaur

w/o Harcharan Singh, who is mother of the victim(prosecutrix). As per version of the prosecution, on 20.05.2019, at about 1.00-1.30 p.m., when complainant was away from her house, Kamaljeet Singh @ Deepu, her nephew had called her and asked her to return back home. Soon thereafter, when complainant returned back home, she found her daughter (victim) crying. Then victim child had apprised the complainant that Raju (petitioner) came to their house and after seeing her alone, he had tried to kiss her and removed his pants and tried to do illicit act with her. In the meantime, Balpreet Kaur had come there and then Raju fled away.

It is now submitted by learned counsel for the petitioner that petitioner has been falsely implicated in the present case. It is pointed out that in the reply, the State had admitted about medical examination of the victim, having not been conducted. It is further submitted that the petitioner is in custody since 21.05.2019 and due to restricted working of the Courts, the conclusion of the trial is likely to take time. As such, a prayer has been made for grant of regular bail to the petitioner.

On the other hand, learned State counsel has resisted the claim for bail. She submits that the accusations against the petitioner are of grave nature. The challan has since been presented and three witnesses have already been examined.

From the short reply filed by way of affidavit of DSP, Dakha, Ludhiana, it is evident that on completion of investigation, challan was presented before the trial Court on 02.07.2019 and charge was framed on 06.03.2020. Till date, three witnesses have been examined. Both, the complainant and prosecutrix have been examined. Even, the Investigating

Officer has been examined. Also, it is stated in the reply that medical

examination of the victim was not conducted.

Considering the aforesaid circumstances and the fact that due to restricted working of the Courts, the conclusion of the trial is likely to take considerable time, at this stage, without dilating further on merits of the case, this Court deems it appropriate to grant regular bail to the petitioner. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

(ARCHANA PURI)
JUDGE

October 14, 2021
Vgulati

Whether speaking/reasoned	Yes
Whether reportable	No