

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

214

**CRM-M-39301-2021(O&M)
Decided on : 24.09.2021**

MOHAMMAD MUNNA

....Petitioner(s)

Versus

STATE OF PUNJAB

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL
(Through video conferencing)

PRESENT: Mr. Sahil Soi, Advocate
for the petitioner.

Mr. Luvinder Sofat, AAG Punjab
assisted by ASI Paramjit Singh.

MANJARI NEHRU KAUL, J. (Oral)

This is the 2nd petition been filed under Section 439 Cr.P.C., for grant of regular bail to the petitioner in case FIR No.103, dated 03.07.2019 under Sections 376 and 511, of the IPC and Section 18 of the POCSO Act registered at Police Station Adampur, District Jalandhar and thereafter charges framed under Section 11 and 12 of the POCSO Act.

Learned counsel submits that the petitioner has been in custody since 05th April, 2019 for offences under Sections 11 and 12 of the POCSO Act. He submits that maximum punishment for offences under the aforementioned Sections is 3 years and the petitioner has already undergone 02 years 02 months of custody. He further submits that offence under Section 376 IPC was deleted by the investigating agency, as no substance

was found qua the allegations of rape. Learned counsel submits that no useful purpose would be served by keeping the petitioner behind bars as both material witnesses stand examined in the case in hand.

Per contra, learned State counsel while opposing the prayer of the learned counsel for the petitioner on instructions from ASI Paramjit Singh has conceded that both the victim and complainant have been examined. He submits that though the victim stands examined and had supported the case of the prosecution, however, she had denied ever having made a complaint against the petitioner qua the alleged offences.

Heard and perused the material on record.

In view of the the facts and circumstances as enumerated hereinabove, the instant petition is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that anything contained in this order shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

September 24, 2021

S.Sharma(syr)

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No