

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

CRM-M- 35369-2020 (O&M)

Date of Decision: 20.08.2021

(Heard through VC)

Gobind Singh alias Akram Rahi

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Balwinder Singh Chahal, Advocate
for the petitioner.
Ms. Rashmi Attri, AAG, Punjab
Mr. Vishneet Singh Kathpal, Advocate
for the complainant.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No. 39 dated 16.04.2020 under Sections 354-C, 354-D IPC and Section 12 of the POCSO Act and Section 66-E of the Information Technology Act registered at Police Station Sadar Jalalabad, District Fazilka.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the FIR. It is argued that petitioner is in custody since 01.07.2020 and that the statement of the material witnesses has already been recorded. It is further contended that the petitioner undertakes that after being released, he will neither influence any of the witnesses, nor will he try to contact any of them. Since the trial is likely to take some time to conclude, therefore, the custody of the petitioner would

no longer be required.

Learned counsel for the respondent-State, on instructions from the Investigating Officer opposes grant of regular bail to the petitioner while pointing to the seriousness of allegations levelled against him, however, he does not dispute the fact that the material witnesses including the complainant and the prosecutrix stand examined.

I have heard learned counsel for the parties and have also perused the paper book. The trial is likely to take some time to conclude owing to present COVID-19 pandemic situation. Out of 19 total witnesses, 02 witnesses including the material witnesses stands examined. In the aforesaid facts and circumstances of the case, no useful purpose would be served in keeping the petitioner behind the bars any longer. The instant petition is allowed and the petitioner is directed to be released on regular bail, with a condition that he will not contact any of the witnesses, including the prosecutrix or the complainant in any manner, on his execution of adequate personal/surety bonds to the satisfaction of concerned trial Court/Duty Magistrate. However, any observation made herein shall not be construed to be an expression on merits of the case.

It is made clear that in case the petitioner violates the above mentioned conditions, in such an eventuality the regular bail allowed to the petitioner is liable to be cancelled.

20.08.2021
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No