

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

(Through Video Conferencing)

CRM-M-36178-2020

Date of Decision: 21.01.2021

GURDEV

.....*Petitioner*

V/s.

STATE OF PUNJAB

.....*Respondent*

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL.

Present: Mr. Vijay Kumar Jindal, Senior Advocate with
 Mr. S.K. Choudhary, Advocate,
 for the petitioner.

 Mr. A.S. Gill, Assistant Advocate General, Punjab.

 Mr. Virender Partap Singh, Advocate,
 for the complainant.

MANJARI NEHRU KAUL, J. (Oral)

Instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.208 dated 10.09.2020 registered under Sections 417, 420, 494, 376, 120-B of the Indian Penal Code, 1860 (Section 493 of the IPC added later on) at Police Station Sujampur, District Pathankot, Punjab.

Learned counsel for the petitioner contends that the false implication of the petitioner in the FIR in question is evident from the fact that a totally concocted and unbelievable version has been brought forth by the complainant. Learned counsel further contends that there is no qualitative evidence on record with respect to the alleged sexual assault committed by the petitioner subsequent to the ex-parte divorce obtained by the petitioner as after the divorce the complainant and the petitioner never ever lived together.

Learned counsel has thus prayed for the concession of regular bail as the petitioner has been in custody since 04.10.2020 and only challan has been presented till now. Hence, there is no likelihood of the trial concluding in the near future.

Heard

Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from SI Sanjay, has submitted that as many as 33 prosecution witnesses have been cited, however, they are yet to be examined. He further submits that the charges are likely to be framed before the trial Court in the near future.

In view of the submissions made by learned counsel for the petitioner and the fact that the petitioner has been in custody since 04.10.2020, the trial is unlikely to conclude in the near future more so in the wake of outbreak of pandemic COVID-19. 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.

January 21, 2021

Ess Kay

**[MANJARI NEHRU KAUL]
JUDGE**

<i>Whether speaking / reasoned</i>	:	<i>Yes</i>	/	<i>No</i>
<i>Whether Reportable</i>	:	<i>Yes</i>	/	<i>No</i>