

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(through video conferencing)**

CRM-M-36239-2020
Decided on : 09.02.2021

Jagtar Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Naveen Sharma, Advocate
for the petitioner.

Mr. S.S.Sandhu, AAG, Punjab.

Manjari Nehru Kaul, J.

Instant petition has been filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.13 dated 30.01.2020 registered under Sections 376 (2)(n), 506 IPC (Section 366 IPC added later on) at Police Station Barnala District Barnala.

Learned counsel for the petitioner inter alia contends that the case as set up by the prosecution is that the petitioner continued to have physical relations with the prosecutrix for three years against her wishes and the prosecutrix, who admittedly is 28 years old woman, on account of threats extended by the petitioner kept quiet, did not appeal to reason. It has been further contended that in fact the petitioner has been falsely implicated in the case in hand at the behest of the family of the prosecutrix who were averse to the relationship of the petitioner and the prosecutrix. It has also been contended that a perusal of the FIR in question clearly hints that it was in fact a consensual relationship between the petitioner and the prosecutrix which also finds corroboration from the medical record of the prosecutrix wherein no

external injury was seen on her person. It has therefore been prayed that the petitioner, who has been in custody since 15.02.2020 be extended the concession of regular bail as there is no likelihood of trial concluding in the near future since only challan has been presented till date.

Per contra, learned State counsel while opposing the prayer and submissions of learned counsel for the petitioner on instructions from ASI Jagrup Singh has submitted that charges are likely to be framed in the near future and the delay has been on account of outbreak of Covid-19.

Heard.

In view of the submissions made by learned counsel and the fact that the petitioner has been in custody since 15.02.2020, the trial is unlikely to conclude in the near future more so in the wake of outbreak of pandemic Covid-19. Hence, 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.

(MANJARI NEHRU KAUL)
JUDGE

09.02.2021

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Whether speaking/reasoned:

Yes/No

Whether reportable :

Yes/No