

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

Sr. No.229

CRM-M No.37807 of 2020(O&M)
DATE OF DECISION: 03.09.2021

Ravi Kumar

.....Petitioner

Versus

State of Punjab and another

.....Respondent

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

(Through Video-Conferencing)

Present:- Mr. Impinder Singh Dhaliwal, Advocate
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

Mr. Balkarn Singh, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

CRM-20404 of 2021

Allowed as prayed for.

Statements of PW-1 to PW-3 as Annexures P-4 to P-6 are
taken on record.

CRM-M-37807 of 2020

The instant petition has been filed under Section 439
Cr.P.C. for grant of bail to the petitioner in case FIR No.13, dated
24.01.2020, under Section 376 IPC and Sections 3 and 4 of the
Protection of Children from Sexual Offences Act, 2012, registered at
Police Station Sadar Bahawala, District Fazilka.

Learned counsel for the petitioner submits that a false and fabricated case has been planted against the petitioner on the allegations that he sexually assaulted the prosecutrix, aged 15 years. Learned counsel further submits that the allegations stand falsified from the fact that all three material witnesses including the victim as well as the mother of the victim did not support the case of the prosecution during trial, as a result of which, they were all declared hostile. Learned counsel for the petitioner has further submitted that petitioner is in custody since 25.01.2020, he be extended the concession of regular bail as there is no likelihood of the trial concluding in the near future as 13 more prosecution witnesses remain to be examined.

Per contra, learned State counsel while opposing the prayer on instructions from ASI Lal Chand, has not been able to controvert the factum of the three material witnesses, including the prosecutrix having turned hostile during trial. He however, submits that as per the FSL report, the semen on the exhibits sent to the FSL had matched with that of the petitioner.

Heard.

In view of the submissions made by learned counsel for the parties and keeping in view the fact that petitioner has been in custody since 25.01.2020, I deem it a fit case for grant of the concession of regular bail to the petitioner. The petition as such is

allowed and the petitioner is admitted to bail to the satisfaction of 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.

3rd September, 2021

Shivani Kaushik

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No