

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

207

**CRM-M-43050-2020
Decided on : 01.03.2021**

Gurdeep Singh @ Deepu

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. Parveen Chauhan, Advocate, for the petitioner(s).

Mr. Luvinder Sofat, AAG, Punjab
assisted by SI Sukhwinder Kaur.

MANJARI NEHRU KAUL, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 119, dated 10.09.2020, under Sections 363, 366-A, 376 IPC and Sections, 4, 6 and 10 of the POCSO Act, 2012, registered at Police Station Julkan, District Patiala.

Learned counsel for the petitioner submits that the prosecutrix aged 17½ years, had accompanied the petitioner of her own accord as is evident from her statements under Section 164 Cr.P.C. and under Section 164 Cr.P.C. made soon after her recovery from the custody of the petitioner. It has been further submitted that the factum of her accompanying the petitioner of her own accord finds further credence from her refusal to get her self medically examined on her recovery. He has further submitted that though subsequently the medical examination was conducted, however, no external injury was found on her person, which also lends credence to his false implication. It has been submitted that the petitioner has been in custody since 11th September, 2020 and the prosecutrix, who is the material witness stands examined and remaining 14 witnesses are yet to be examined. Hence, there is no likelihood of the trial concluding any time in the near future.

Per contra, learned State counsel has opposed the prayer and

submissions made by learned counsel for the petitioner. He has, however, not been able to controvert the factual aspect of the submissions so made by the learned counsel for the petitioner and in fact, very fairly admitted that the prosecutrix did not level any allegations attracting the mischief of Section 376 IPC or any offence under the POCSO Act against the petitioner even in her statement recorded under Section 164 Cr.P.C.

Heard.

In view of the submissions made by learned counsel for the parties, I deem it a fit case for grant of the concession of regular bail to the petitioner, as the trial is unlikely to conclude in the near future, more so, in the prevailing conditions due to the outbreak of COVID-19. 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.

(MANJARI NEHRU KAUL)
JUDGE

March 01, 2021

J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No