

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

222)

CRM-M-43228 of 2020

Date of Decision: 26.02.2021

Sonu @ Sonu Goswami

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Munish Puri, Advocate, for the petitioner.
Mr. Sidakmeet Singh Sandhu, AAG, Punjab

Amol Rattan Singh, J. (Oral)

Case heard by video conferencing.

This petition has been filed under the provisions of Section 439 of the Cr.P.C. seeking 'regular bail' for the petitioner in case FIR No.0014 dated 12.02.2020, registered at Police Station Division No.1, District Pathankot, for the alleged commission of offences punishable under Sections 363, 366, 376 and 506 of the IPC.

Finally a reply on behalf of the respondent State has been filed, from which learned State counsel points to the fact that even as per the statement of the prosecutrix under the provisions of Section 164 of the Cr.P.C., she has supported her version given in the FIR, with Mr. Puri, learned counsel for the petitioner also very fairly submitting that even in her testimony before the trial, she has supported the case of the prosecution.

However he points to the photographs annexed with the petition as Annexure P-2 (colly), to submit that it was obviously a consensual relationship.

He further submits that the petitioner has been in custody for

one year now, with the trial not having progressed much, apart from examining the prosecutrix herself, and therefore the petitioner deserves to be admitted to bail.

Having considered the matter, seeing also that the girl has shown herself to be 19 years old in the FIR, further looking at the period of the custody and the stage of the trial (which as per the instructions of the learned State counsel is not denied), without still making any comment on the actual merits of the case (as to whether the photographs are actually correct or misleading etc.), with the prosecutrix already having been examined, the present petition is allowed. The petitioner is ordered be admitted to bail, on his furnishing adequate bail and surety bonds to the satisfaction of the learned trial court/CJM/Duty Magistrate concerned.

26.02.2021
vcgarg

(AMOL RATTAN SINGH)
JUDGE

Whether reasoned/speaking: Yes
Whether reportable: No