

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

CRM-M-36153-2022
Decided on : 27.09.2022

Rajesh Kumar

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. S.K.Singla, Advocate
 for the petitioner.

Mr. Teevar Sharma, AAG, Punjab.

Manjari Nehru Kaul, J.(Oral)

This is the third petition filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.33 dated 14.02.2020 under Sections 363, 366-A IPC and Sections 3 and 4 of POCSO Act (offence under Section 376 IPC and Section 6 of POCSO Act added later on) registered at Police Station City Khanna, District Khanna.

Learned State counsel on instructions has apprised the Court that despite repeated summons having been issued to the complainant as well as the prosecutrix to secure their presence before the trial Court for getting their evidence recorded, they have failed to put in an appearance.

Learned counsel for the petitioner submits that the petitioner has now been in custody since 20.06.2020 and in the light of the material witnesses including the prosecutrix and the complainant failing to appear before the trial Court repeatedly, there is no likelihood of the trial concluding in the near future. A prayer, therefore, has been made to extend the concession of bail to the petitioner.

Heard learned counsel for the parties and perused the relevant material on record.

In the facts and circumstances as enumerated hereinabove coupled with the fact that since the material witnesses i.e. prosecutrix and the complainant have failed to appear before the trial Court despite repeated adjournments, further incarceration of the petitioner would serve no useful purpose. This Court, therefore, deems it fit to extend the concession of bail to the petitioner. Accordingly, the present petition is allowed. The petitioner be admitted to bail to the satisfaction to the trial Court/Duty Magistrate concerned. 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.

27.09.2022
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:
Whether reportable :

Yes/No
Yes/No