

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

CRM-M No.56473 of 2022
Date of decision: 21st March, 2023

Shannka @ Sukhjinder Pal Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Rahul Arora, Advocate for the petitioner.
Mr. Ramdeep Pratap Singh, Sr. DAG, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

This is the second petition filed under Section 439 Cr.P.C. for grant of the concession of bail in case bearing FIR No.99 dated 17.08.2019 under Sections 363, 366-A, 376 IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012 registered at Police Station Sadar Jalalabad, District Fazilka.

Learned counsel for the petitioner inter alia submits that subsequent to the dismissal of the previous petition seeking similar relief on 23.12.2021, trial has virtually come to a standstill as none of the prosecution witnesses have stepped into the witness box to get their evidence recorded. He submits that when the previous petition was dismissed on 23.12.2021, as many as 13 prosecution witnesses remained to be examined and the situation is no different today. It has also been submitted that despite non-bailable warrants having been

issued to secure the presence of remaining witnesses, who are all official witnesses, none of them have put in appearance to get their evidence recorded, as a result of which the trial is getting unnecessarily delayed. Learned counsel thus prays for grant of bail to the petitioner as he has now been in custody since 23.11.2019.

Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has contended that firstly there is no material change in the circumstances which would warrant entertaining the instant petition and secondly, the victim was just about 16 years of age when her person was violated by the petitioner, as a result of which she became pregnant and subsequently delivered a baby boy. He has further submitted that the victim while stepping into the witness box, had supported the case of the prosecution in its entirety.

I have heard learned counsel for the parties and perused the relevant material on record.

In view of the serious allegations levelled against the petitioner, this Court does not deem it fit to allow the instant petition. The petition as such is dismissed. However, it is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

At this stage, a prayer has been made by learned counsel for the petitioner that in view of the long incarceration of the petitioner,

the trial Court be directed to expedite the trial and conclude it at the earliest.

The trial Court shall make earnest efforts to conclude the trial expeditiously, preferably within a period of next five months from today.

(MANJARI NEHRU KAUL)
JUDGE

March 21, 2023
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No