

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

208

**CRM-M-60739-2022
Date of decision: 23.02.2023**

Gautam Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. S.S. Maini, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

This is the second petition filed under Section 439 of the Cr.P.C. for grant of regular bail to the petitioner in case FIR No.214 dated 23.11.2019 under Sections 363, 366-A and 120-B of the IPC (Section 376 of the IPC and Sections 3 and 4 of the POCSO Act, 2012 added lateron) registered at Police Station City Kotkapura, District Faridkot.

Learned counsel for the petitioner has filed copy of deposition of the victim in the Court today which is taken on record subject to all just exceptions.

Learned counsel for the petitioner while drawing the attention of this Court to the deposition of the victim aged about 17 years, which has been placed on record today, submits that it was evident on a perusal of the same that the parties had been in a relationship with each other and the victim had herself accompanied the petitioner to various places. Leaned counsel submits that since the material witness i.e. the victim stands examined, further incarceration

of the petitioner would serve no useful purpose as 12 prosecution witnesses remain to be examined moreso when the petitioner has now been in custody since 15.09.2020.

Per contra, learned State counsel on instructions has not been able to controvert the submissions made by the counsel opposite qua the contents of the deposition of the victim before the Trial Court. He has also not disputed that the victim is the sole material witness in the case in hand and she stands examined.

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

In the facts and circumstances as enumerated hereinabove, when the victim who is the sole material witness stands examined and the trial would take considerable time to conclude, this Court deems it fit to extend the concession of bail to the petitioner.

Accordingly, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of 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.

23.02.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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