

Law Today Live Doc. Id. 15052

PUNJAB AND HARYANA HIGH COURT

Before: Anupinder Singh Grewal, J.

CRM-M-14159-2020

Decided on: 19.06.2020

Bagga Singh

Petitioner

Versus

State of Punjab

Respondent

Present:

Mr. Karanjeet Singh Brar, Advocate for the petitioner.

Mr. Dhruv Dayal, Senior DAG, Punjab.

Code of Criminal Procedure, 1973 (2 of 1974), Section 439 -- Protection of Children from Sexual Offences Act, 2012 (32 of 2012), Section 3, 4 – Indian Penal Code, 1860 (45 of 1860), Section 377, 506 – Unnatural offence – Penetrative sexual assault – Regular bail -- Two prosecution witnesses including the complainant have been examined but 09 PWs are yet to be examined – When, the petitioner is in custody for almost 07 months; he is not involved in any other case; the COVID-19 pandemic and the conclusion of the trial is likely to take some time – Petitioner is granted concession of regular bail.

(Para 1, 5)

JUDGMENT

ANUPINDER SINGH GREWAL, J. (ORAL) –

1. The petitioner is seeking regular bail in FIR No.95 dated 22.11.2019, under Sections 377 & 506 IPC and Sections 3 & 4 of the POCSO Act, registered at Police Station Nandgarh, district Bathinda.

2. Learned counsel for the petitioner contends that the FIR is counterblast to the complaint made by the wife of the petitioner against the father of the victim with regard to an altercation between the parties. He further contends that there is delay of 06 days in lodging the FIR. The petitioner is in custody for about 07 months and is not involved in any other case. He also contends that the complainant has been examined but several other witnesses are yet to be examined.

3. Learned State counsel contends that 02 prosecution witnesses including the complainant have been examined but 09 PWs are yet to be examined. He also contends that as per custody certificate, the petitioner is in custody for 06 months and 24 days.

4. Heard through video conferencing.

5. In view of the submissions of the learned counsel for the petitioner, especially when the petitioner is in custody for almost 07 months; he is not involved in any other case; the COVID-19 pandemic and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

6. Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

Petition allowed.
