

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-15532 of 2015

Date of decision:20.05.2015

Joban Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Present: Mr. Vivek Salathia, Advocate for the petitioner.
Mr. P.S. Grewal, DAG, Punjab.

Navita Singh, J. (Oral)

This petition has been moved by Joban Singh under Section 439 of the Code of Criminal Procedure seeking regular bail in case FIR No.28 dated 7.5.2014 registered under Sections 363, 366-A IPC, 376 IPC and under Section 4 of Protection of Children from Sexual Offences Act, 2012 at Police Station Jhander, District Amritsar.

The petitioner is in custody since 11.5.2014. Co-accused Gurpreet Singh, who was summoned as an additional accused under Section 319 of Cr.P.C was granted anticipatory bail by this Court on 26.3.2015.

According to the FIR, age of the victim was 17 years and so was the age given by her in her statement made under Section 164 Cr.P.C.

However, copy of the birth certificate (Annexure P.5) which counsel for the petitioner states, was obtained under the RTI Act shows that her date of birth was 10.11.1995. The occurrence allegedly took place on the night between 4th and 5th May, 2014 and according to the date given in the birth certificate, the girl Sonia was over 18 years of age at that time.

In view of the above and in view of statement made by the prosecutrix in evidence naming different persons at different times, the request is allowed. Bail to the satisfaction of the trial Court.

20.05.2015
renu

(NAVITA SINGH)
JUDGE