

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

CRM No.M-26776 of 2015
Date of decision: 18.08.2015

Jaswinder Singh @ Bhindi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Ms. Manpreet Ghuman, Advocate for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab
assisted by SI Darshan Singh.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 439 of the Code of Criminal Procedure, the petitioner has sought regular bail in case FIR No.67, dated 02.06.2015, registered under Sections 363, 366-A IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012 (for short 'POSCO Act') at Police Station Khamanon, District Fatehgarh Sahib.

The learned counsel for the petitioner refers to the statement of the prosecutrix recorded under Section 164 Cr.P.C., wherein she has specifically stated that she left her house of her own. The learned counsel further refers to the attendance register (Annexure P-3) and states that the petitioner was present on duty on the day of alleged occurrence i.e. 02.06.2015, whereas, the victim was recovered near the STD booth while she was allegedly making a phone call to the petitioner. The learned

counsel further states that initially the FIR was registered under Sections 363, 366-A IPC and Section 4 of the POSCO Act and later on, the police has added Section 376 IPC in the instant case. The petitioner is in custody since 03.06.2015.

On the other hand, the learned State counsel opposes the prayer of bail and states that after the receipt of chemical examiner report and opinion of doctor, Section 376 IPC has been added. The challan stands presented, however, the charges have not yet been framed against the petitioner.

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

Keeping in view fact that the prosecutrix was recovered on the same day and coupled with the fact that in the statement recorded under Section 164 Cr.P.C., she has not named the petitioner, the charges are yet to be framed, therefore, it can be safely inferred that the trial is not likely to be concluded in the near future, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on his furnishing bail bonds and surety bonds, to the satisfaction of the trial Court.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

18.08.2015

sumit.k

(JITENDRA CHAUHAN)
JUDGE