

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

CRM-M No. 28997 of 2016

Date of Decision : 26.08.2016

Harwinder Singh alias Bhindi

.....Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MS. JUSTICE RITU BAHRI

Present : Mr. Prashant Vashisth, Advocate for the petitioner.

Mr.J.S.Riar, AAG,Punjab.

RITU BAHRI, J. (Oral)

This is a petition for the grant of regular bail to the present petitioner in case bearing FIR No. 138 dated 25.06.2015, under Sections 363, 366, 376 IPC and Section 4/6 of the Protection of Children from Sexual Offences Act(POSCO), 2012, registered at Police Station Machhiwara, District Ludhiana.

Custody certificate, filed by learned State Counsel, is taken on record.

Learned counsel for the petitioner has placed on record certificate issued by Addl.Distt.Registrar/Distt. Health Officer, Kaithal, Birth and Death (Annexure-P2) as per which the date of birth of prosecutrix Rubi Rani is 31.05.1997. She had solemnised marriage with the petitioner, as per Annxure P-3, on 24.06.2015. On the date of marriage she was major.

As per custody certificate the petitioner is in custody for the last 11 months and 18 days. After presentation of the challan, charges have been framed on 19.01.2016 and out of 17 witnesses only one has been examined.

Keeping in view the fact that as per the birth certificate (Annexure P-2) the prosecutrix was major at the time of incident, without expressing any opinion on the merits of the case, the petition is allowed. Petitioner Harwinder Singh alias Bhindi is ordered to be released on bail during the pendency of the trial subject to his furnishing fresh bail bonds to the satisfaction of the learned trial Court.

**(RITU BAHRI)
JUDGE**

August 26, 2016

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Whether speaking/reasoned Yes/No

Whether Reportable Yes/No