

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

CRL. MISC. No.M-4525 OF 2016
DATE OF DECISION : 3rd MARCH, 2016

Lovish Thapar

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MRS. JUSTICE ANITA CHAUDHRY

* * * *

Present : Ms. Gursharan K. Mann, Advocate for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab.

Mr. D. S. Dalee, Advocate for the complainant.

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ANITA CHAUDHRY, J. (ORAL)

The petitioner is seeking regular bail in FIR No.5 dated 03.01.2014, registered under Sections 354-A IPC and Section 11 and 12 of Protection of Children from Sexual Act, 2012 (Sections 306 and 379 IPC were added later on) at Police Station Passiana, District Patiala.

Heard.

Learned counsel for the petitioner contends that the petitioner is in custody since January, 2015 and there was no communication between the petitioner and the deceased on the day the girl went missing or a day before that and the trial will take long time as an application under Section 319 Cr.P.C. has been filed and additional accused have been summoned. The counsel further

submits that in the post-mortem report there is a finding that the girl was habitual to sexual intercourse and there is no allegation under Section 376 against him or in the FIR and the petitioner was a student of 10+2. Learned counsel for the petitioner further contends that the key of the moped of the deceased was found in the room of another girl who has also been allowed bail.

The incident is of December 2013. The FIR was registered on 03.01.2014, the petitioner was arrested a year later and some more accused have been summoned. Without commenting upon the merits of the case, the petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal and surety bonds to the satisfaction of Trial Court/Duty Magistrate.

3rd March, 2016
'raj'

(ANITA CHAUDHRY)
JUDGE