

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

**CRM-M-26338-2017
Date of decision: 24.08.2017**

Mithu Singh @ Dhola Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. D. S. Khurana, Advocate,
for the petitioner.

Mr. M. S. Nagra, AAG, Punjab.

JAISHREE THAKUR, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 93 dated 03.08.2015, under Sections 363, 366-A and 376 of the Indian Penal Code and Section 4 of the POCSO Act, registered at Police Station City Jalalabad, District Fazilka.

It is contended by the counsel for the petitioner that bail was declined by the Additional Sessions Judge by order dated 18.03.2017 primarily on the ground that the statement of the prosecutrix had not been recorded. He submits that there is a discrepancy in the age of the prosecutrix as the ossification test shows her to be older.

Mr. M. S. Nagra, AAG, Punjab, has appeared on behalf of respondent-State and opposes the grant of regular bail to the petitioner on the ground that specific allegations have been made against the accused-petitioner. He informs this Court that out of total 16 witnesses, 08 witnesses have been examined so far.

I have heard learned counsel for the parties.

Without going into the merits of the case and keeping in view the fact that the petitioner has already undergone two years of incarceration and the trial is likely to take some time, the present petition is accepted. The petitioner is ordered to be released on regular bail on his furnishing bail bonds and surety bonds to the satisfaction of trial Court/Duty Magistrate concerned.

August 24, 2017
Ansari

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No