

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

**Crl. Misc. No. M-36645-2016
Date of decision : 30.05.2017**

Surinder KumarPetitioner

versus

State of Punjab ...Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Bhisham Kumar Majoka, Advocate, for
Mr. Vikas Bali, Advocate for the petitioner.

Ms. Manpreet Dhaliwal, AAG, Punjab

Mr. M.S. Sidhu, Advocate for the complainant.

RITU BAHRI, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner, in a case arising out of F.I.R No. 17 of 01.03.2015 under Section 376/506 IPC and Section 3/4 of POCSO Act, registered at Police Station Koom Kalan, District Ludhiana.

The allegations against the petitioner is that he after entering the house of the complainant, committed rape upon the daughter of the complainant on 27.12.2015.

However, as per reply filed on 12.04.2017, after registration of F.I.R on 01.03.2015, on the same day, the prosecutrix was got medically examined from Civil Hospital, Ludhiana and the concerned doctor vide OPD slip dated 01.03.2015 (Annexure R-1) reported that the pregnancy test of the prosecutrix is positive. On 03.03.2015, ultra sound report was

prepared and the duration of the pregnancy was found to be six weeks four days (Annexure R-2). This fact is further evident from the statement of P.W.4 and P.W.5 (Annexure R-3 and R-4)

Learned State counsel on instructions states that now the complainant got abortion of the prosecutrix and thus, the version of the complainant that his daughter was not pregnant does not carry any weight. Further there is a delay in lodging the F.I.R

Petitioner is in custody since 06.03.2015.

Heard learned counsel for the parties.

Keeping in view the above fact and the fact that the trial is likely to take some time to conclude, the present petition is allowed. Petitioner is ordered to be released on bail during pendency of the trial of the present case, subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Ludhiana.

30.05.2017

G Arora

(RITU BAHRI)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>