

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

CRM-M-40680-2017 (O&M)

Date of Decision: 23.04.2018

PINTU

..Petitioner(s)

Versus

STATE OF PUNJAB

..Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Naresh Jain, Advocate
for the petitioner.

Mr. Pawan Sharda, Sr. DAG, Punjab.

Mr. Manish Singla, Advocate
for the complainant.

ANITA CHAUDHRY, J.(Oral)

The petitioner is seeking regular bail in FIR No.123 dated 28.06.2017, registered under Sections 363, 366-A, 376 IPC, Police Station Model Town, Ludhiana, District Ludhiana.

Counsel for the petitioner contends that the case had been adjourned on the last hearing so that the statement of the father and the victim could be recorded. He states that the victim had made a statement earlier and now the statement of the father has also been recorded and the petitioner is in custody since 28.06.2017. The counsel further submits that the girl was 19 years old and it was a case of consent. Counsel refers to Annexure P-2.

The State counsel confirms that the private witnesses have been examined. It is stated that the remaining witnesses are the official witnesses. It is also stated that the FSL report is still pending.

The petitioner is in custody since 28.06.2017. The petitioner has raised the plea of a consensual relationship. The Court is yet to determine the age of the victim. According to the radiological report (Annexure P-2), the age of the girl was between 17 and 19 years.

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.

(ANITA CHAUDHRY)
JUDGE

23.04.2018

sunil

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No