

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

CRM-M No. 22803 of 2020
Date of decision: 09.12.2020.

Rizwan Petitioner.

Versus

State of Punjab Respondent.

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Kushagra Mahajan, Advocate, for the petitioner.

Mr. Jagmohan Singh Ghuman, DAG, Punjab,
for the respondent-State.

ANUPINDER SINGH GREWAL, J. (ORAL)

Heard through video conferencing.

The petitioner is seeking regular bail in FIR No. 27 dated 04.03.2020, under Section 376 of the Indian Penal Code, 1860, besides Sections 3 and 4 of the Protection of Children from Sexual Offences Act, 2012, registered at Police Station Daresi, District Ludhiana.

Learned counsel for the petitioner contends that as per the contents of the FIR, the victim/prosecutrix was staying with the petitioner on her own volition and she wanted to get married to him. The petitioner has been arraigned as an accused, as it has been stated by the victim that she was 13 years of age. The police has relied upon her age as recorded in the Aadhar card wherein her date of birth has been mentioned as 09.07.2007. He, however, contends that the prosecutrix is over 18 years of age, but the other documentary evidence with regard to her date of birth is in possession of her parents. He also contends that the prosecutrix was medically examined and as per report dated 11.03.2020 from the Department of Radiodiagnosis,

Rajindra Hospital, Patiala, her estimated radiological bone age is 17 to 19 years. He further contends that the petitioner is in custody for over nine months and is not involved in any other criminal case.

Learned State counsel, upon instructions from ASI Rajinder Singh, contends that although charges have been framed, but none of the prosecution witnesses has been examined. He also contends, with regard to the age of the prosecutrix, that it is debatable issue and would be decided at the time of the trial. He has filed affidavit of custody which indicates that the petitioner is in custody for a period of nine months and three days.

In view of the submissions of learned counsel for the petitioner, especially when the petitioner and the prosecutrix were living together, the estimated age of the prosecutrix at the time of her radiological examination on 07.03.2020 was between 17 to 19 years, the petitioner is in custody for over nine months, he is not involved in any other criminal case; the covid-19 pandemic and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

Pending application, if any, shall stand disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

09.12.2020
Ramesh

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No