

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

(Heard through VC)

CRM-M-28999 of 2020 (O&M)
Date of Decision: September 29, 2020

Lovepreet Singh @ Bitta

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Gurpreet Singh Sandhu, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG Punjab.

JAISHREE THAKUR, J. (Oral)

1. The instant second petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.69 dated 29.03.2019, under Sections 376, 506 of Indian Penal Code and Section 4 of POCSO Act [Section 376(2)(1) of IPC and Section 6 of POCSO Act added later on), registered at Police Station Chatiwind, District Amritsar Rural.
2. Learned counsel for the petitioner would contend that the petitioner herein has been in custody in the aforesaid FIR since 30.03.2019, while contending that there is delay of 10 days in the registration of the FIR. It is submitted that statement of the prosecutrix was not recorded under Section 161 Cr.P.C. and the statement under Section 164 Cr.P.C. was not

recorded on oath by the Magistrate, apart from raising the plea that the medical does not show any penetration.

3. On the other hand, learned State counsel, opposes the grant of regular bail to the petitioner by contending that the prosecutrix was only 07 years old and, therefore, being of such tender age, her statement was not recorded under Section 161 Cr.P.C.

4. I have learned counsel for the parties.

5. It is pertinent to notice here that the first petition for grant of regular bail was dismissed as withdrawn, after the matter had been argued and all the arguments, as addressed, were also raised. No additional plea has been raised. Under these circumstances, there is no ground made out to grant regular bail to the petitioner.

6. In view of the above, the instant petition is hereby dismissed.

September 29, 2020

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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No