

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

**CRM-M-4647-2021(O&M)
Date of Decision: 17.09.2021
(Heard through VC)**

Jatinder Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Umesh Sharma, Advocate
for the petitioner.

Mr. A. S. Gill, Sr. DAG, Punjab.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C., for granting the regular bail to the petitioner in case FIR No.167 dated 19.11.2019 under Sections 323, 376, 354, 506 IPC registered at Police Station Bullowal, District Hoshiarpur.

Learned counsel for the petitioner would submit that the petitioner was in custody and, therefore, could not have committed the offence under Section 376 IPC and the medical report would not substantiate any offence under the said Section .

Learned State counsel would submit that though the petitioner was in custody on 17.11.2019 in the matter under Section 107/ 151 Cr.P.C. Under DDR No. 24, however, he is the father of the prosecutrix who has

got the FIR registered and that it was a continuous offence.

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I have heard counsel for the parties and have also perused case file.

In view of the facts that the petitioner herein is none other than the father of the prosecutrix and charges are yet to be framed, as well as the statement of the prosecutrix is yet to be recorded, there is no ground to grant concession of bail to the petitioner at this stage. Consequently the instant petition stands dismissed.

17.09.2021

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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No