

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

Sr. No.204

CRM-M-19410-2021

DATE OF DECISION: May 24, 2021

GURWINDER SINGH @ ROMI

..PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Daman Jeet Bhoriwal, Advocate, for the petitioner.

Mr. Manpreet Singh Nagra, AAG, Punjab.

SUDHIR MITTAL, J. (ORAL)

The petitioner seeks regular bail in FIR No.233 dated 17.09.2019 registered at Police Station City Moga, District Moga, under Sections 363, 366-A, 376 IPC and Section 4 of POSCO Act, 2012.

According to the FIR, the petitioner enticed the prosecutrix, a minor, and committed a rape.

Learned counsel for the petitioner submits that the incident took place on 15.09.2019 but the FIR was registered only on 17.09.2019. Thus, there is a delay of 02 days in registration of the FIR. Further, the prosecutrix and her mother have already been examined during the course of trial and both have turned hostile. The petitioner has been in custody since 23.09.2019. Thus, he may be granted regular bail.

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Learned State counsel submits that the statement of the Doctor has also been recorded and according to the said statement, sexual intercourse has taken place between the petitioner and the prosecutrix. The prosecutrix being a minor, rape has taken place and thus, the petitioner is not entitled to grant of regular bail.

It may be noticed that the petitioner has been in custody for more than one and a half years and the prosecutrix as well as her mother have turned hostile. Under the circumstances, it appears to be a case where the prosecutrix accompanied the petitioner of her own free will. Thus, in my considered opinion, keeping in view the period of custody already undergone by the petitioner, he deserves the concession of regular bail.

Accordingly, the petition is allowed and the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

May 24, 2021

Ankur

**(SUDHIR MITTAL)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No