

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

**CRM-M-37972-2021  
DECIDED ON: 17<sup>th</sup> SEPTEMBER, 2021**

**VISHAL**

**.....PETITIONER**

**VERSUS**

**UT CHANDIGARH**

**.....RESPONDENT**

**CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.**

Present: Mr. Tarun Seth, Advocate for the petitioner.

Mr. A.M. Punchhi, PP, UT Chandigarh.

**\*\*\***

**AVNEESH JHINGAN, J (ORAL)**

[1] Due to COVID-19 situation, the Court is convened through Video Conference.

[2] This is second petition filed under Section 439 Cr.P.C seeking regular bail in FIR No. 158, dated 9<sup>th</sup> November 2020, under Section 376 IPC and Section 4 of Protection of Children from Sexual Offences Act, 2012 registered at Police Station Maloya, UT Chandigarh.

[3] As per the contents of the FIR there is allegation under Section 376 IPC and victim is alleged to minor. .

[4] The case of the petitioner is that petitioner has married with the victim and there is a compromise. Learned counsel for the petitioner submits that criminal revision petition is filed before this Court for ossification test to be conducted of the victim.

[5] On query put to Mr. A.M. Punchhi, Public Prosecutor, UT

Chandigarh appearing on behalf of UT Chandigarh, as to whether the victim has been examined, he submits that charges have been framed and earnest efforts can be made to examine the victim but there is stay by this Court in criminal revision filed.

[6] From the reading of order dated 26<sup>th</sup> August, 2021 passed in CRR-866-2021, it is clear that only passing of final order is stayed and not the proceedings. Prosecution can always make earnest effort to examine the victim at the earliest. However, there is not doubt in case such a request is made before the Court concerned, the same would be considered in accordance with law.

[7] The petition is disposed of at this stage.

(AVNEESH JHINGAN)  
JUDGE

17<sup>th</sup> SEPTEMBER, 2021  
*sham*

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|----------------------------------|------------|
| <i>Whether speaking/reasoned</i> | <i>Yes</i> |
| <i>Whether reportable</i>        | <i>No</i>  |