

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

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[CRM-M-1288-2023](#)

Date of Decision: 16.01.2023

Harwinder Singh @ Happy

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr.S.S.Rangi, Advocate,
Mr. J.S.Sekhon, Advocate and
Mr. Zorawar Singh, Advocate
for the petitioner.

Mr. Digvijay Nagpal, AAG, Punjab.

JAGMOHAN BANSAL, J. (Oral)

The petitioner, through instant petition under Section 439 Cr.P.C., is seeking regular bail in FIR No. 144 dated 05.06.2021 under Sections 363, 366-A of IPC (Section 376-D(A)) of IPC and Section 4 of POCSO Act added later on), registered at Police Station Anaj Mandi, District Patiala.

Learned counsel for the petitioner, at the outset, submits that one co-accused has already been released on the basis of statement of Investigating Officer and 3rd accused has already been released on regular bail vide order dated 28.06.2022 of this Court in CRM-M-27261-2022. He further submits that he does not press the present petition, however, trial Court may be directed to expedite the trial because petitioner is in custody since 13.06.2021 and his co-accused have already been released/discharged. The age of the prosecutrix is disputed and it was a consensual intercourse.

Learned State counsel on instructions from ASI Jagpal Singh submits that it is a case of gang rape, thus, the petitioner deserves no leniency. He further submits that the prosecutrix, as per FIR, was 13 years old. There are total 19 witnesses and 07 witnesses have already been examined which includes prosecutrix as well as complainant.

Without commenting on the merits of the case and keeping in view the fact that there is dispute of age on account of report of radiologist, prime witnesses have already been examined and co-accused have already been released, the petition is disposed of with a request to learned trial Court to examine all remaining prosecution witnesses expeditiously and preferably within three months from today.

Disposed of.

(JAGMOHAN BANSAL)
JUDGE

16.01.2023
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>