



Sr. No.218

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

CRM-M-50542-2023
Date of decision: 23rd May, 2024

SHIVA KUMAR**Petitioner**

versus

STATE OF HARYANA**Respondent**

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Vikas Kumar Gupta, Advocate
for the petitioner.

Ms. Jasleen Chahal, AAG, Haryana,
assisted by ASI Manoj Kumar.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 seeking regular bail in case FIR No.118 dated 26.02.2021, under Sections 365 IPC (charged under Sections 363, 366, 376(2)(n), 506, 376(3) IPC, 1860 and Section 6 of Protection of Children from Sexual Offences Act, 2012), registered at Police Station Samalkha, District Panipat (Annexure P-1).

2. Heard.

3. The prosecutrix has *prima facie* supported the prosecution version in her statement recorded during trial (Annexure P-2). The prosecutrix was 15 years and 04 months old at the time of alleged occurrence, as per the date of birth certificate (Annexure R-1). As per the Medico Legal Report of the prosecutrix (Annexure R-3), the offence under Section 506 IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012, were added. However, subsequently, at the time of filing the challan, offence under Section 6 of Protection of Children



from Sexual Offences Act, 2012 and Sections 363, 366-A, 376(2)(n) IPC were added. As per the FSL Report dated 22.02.2021 (Annexure R-4), human semen was detected. The DNA report is also awaited. Charges have been framed against the petitioner on 21.10.2021 under Sections 363, 366, 376(2)(n), 506, 376(3) IPC and Section 6 of Protection of Children from Sexual Offences Act, 2012.

4. Learned State counsel has filed custody certificate dated 22.05.2024, as per which, the petitioner is in custody for the last 02 years, 08 months and 27 days. Learned State counsel has informed that out of total 16 prosecution witnesses, 12 witnesses have already been examined and the trial is now pending for 24.05.2024.

5. Keeping in view the charges against the petitioner and in view of the age of prosecutrix, the present petition is disposed of with directions to the trial Court to conclude the trial within a period of 03 months of receiving a copy of this order.

6. Pending miscellaneous application(s), if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

23rd May, 2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No