

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

**Criminal Misc.No.M-24582 of 2015(O&M)
Date of Decision: November 16, 2015**

Vijay Kumar, Advocate

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.A.P.S.Deol, Senior Advocate with
Mr.Daldeep Singh, Advocate,
for the petitioner.

Mr.Pawan Gaur, DAG, Haryana.

Mr.Rahul Rathore, Advocate,
for the informant.

Naresh Kumar Sanghi, J.(Oral)

Prayer in this petition, filed under Section 438, Cr.P.C., is for grant of anticipatory bail to the petitioner, Vijay Kumar, who has been booked for having committed the offence punishable under Section 376, IPC, in a case arising out of FIR No.143, dated 06.06.2015, registered at Police Station, Taraori, District Karnal.

Learned Senior counsel contends that as per the allegations enumerated in the FIR (Annexure P-1), the informant (name concealed) aged about 32 years, had maintained the sexual relationship with the petitioner from the year 2010 and a

child was also born to the informant from the said relationship. At the time of lodging of the FIR, the informant had herself requested to the police for adjudging paternity of the said child by way of D.N.A.test. During pendency of the present petition, an application was presented before learned Area Judicial Magistrate for getting the D.N.A.test of the informant the petitioner and that of the child but the informant refused to give the blood samples of herself and that of the minor child. He has produced the order dated 09.09.2015 passed by learned Judicial Magistrate First Class, Karnal, in that regard which is taken on record. He further contends that in compliance of the interim directions dated 29.07.2015 issued by this Court, the petitioner has joined the investigation and is no more required for custodial interrogation.

Learned counsel for the State, on instructions from SI Parveen Kumar, Police Station, Taraori, District Karnal, very fairly concedes that the informant is a married women, aged about 32 years. He further concedes that the informant has refused to give the blood samples of herself and that of her minor child before learned Area Judicial Magistrate and as such, paternity test could not be conducted. He further contends that the petitioner has joined the investigation and his custodial interrogation is not required.

Learned counsel for the informant has opposed the grant of anticipatory bail to the petitioner but could not substantiate as to why the custodial interrogation of the petitioner is required in the present case.

After hearing learned counsel for the parties, perusing the police file brought by SI Parveen Kumar and the material available on record, the present petition is allowed. Interim directions dated 29.07.2015 issued by this Court are made absolute.

The petitioner shall continue to join the investigation as and when required to do so and abide by all the conditions as laid down under Section 438(2), Cr.P.C.

In view of the above, Criminal Misc. No.33702 of 2015 for withdrawal of the interim directions dated 29.07.2015 issued by this Court, is dismissed.

November 16, 2015
seema

(Naresh Kumar Sanghi)
Judge