

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-1720 of 2016(O&M)

Date of decision : 21.01.2016

Satbir

..... Petitioner

versus

State of Haryana

... Respondent

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Gourav Jain, Advocate for the petitioner

Ms. Dimple Jain, AAG Haryana

ANITA CHAUDHRY, J. (ORAL)

The petitioner is seeking regular bail in FIR No. 40 dated 01.02.2015 registered at Police Station Bhattu Kalan, District Fatehabad under Sections 363/366A/34 IPC later on Section 366/376D/506 IPC and Section 6 of the Protection of Children from Sexual Offenders Act, 2012 were added and Section 366A was deleted.

Learned counsel for the petitioner contends that the petitioner was arrested on 01.02.2015 on the day the FIR was registered. He urges that in the first statement made to the police the prosecutrix did not name the petitioner. The girl was recovered from the possession of Rohtash. DNA report has been received. DNA profile of Satbir and Anil did not match and the DNA profile of Rohtash matches with the foetus and he is biological father.

Learned State counsel submits that case is nearing end of the trial.

The prosecutrix did not name the petitioner before the Magistrate. The DNA report does not implicate the petitioner though at the trial the prosecutrix had made a different statement.

Without commenting anything on the merits of the case and considering the fact that the investigation is over and trial will take time to conclude, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing adequate bonds to the satisfaction of the trial Court/Duty Magistrate.

January 21, 2016

(ANITA CHAUDHRY)

JUDGE