

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

Crl. Misc. No. M-1264 of 2017

Date of decision :- 25.04.2017

Vishnu

...Petitioner

versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. J.P. Ahalawat, Advocate
for the petitioner

Mr. Himmat Singh, DAG, Haryana

Mr. Balraj Gujjar, Advocate
for the complainant.

RITU BAHRI, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner, in a case arising out of FIR No. 114 dated 25.03.2016, registered at Police Station Badshahpur Gurgaon, who has been booked for having committed the offence punishable under Section 363/366-A IPC and Section 6 of POCSO Act.

The allegations against the petitioner that he along with his brother Ravinder and his parents have kidnapped the daughter of the complainant, who was 16 years of age.

On the other hand, learned counsel for the petitioner submits that there was no age proof regarding the age of the prosecutrix and she was in love affair with the petitioner.

Learned State counsel has shown FSL report which shows

that since DNA profile could not be generated in Sour of Item No. 1 and Sour of Item No. 2 (Swab) with DNA profile of the petitioner and hence, no opinion was given. The FSL report is taken on record as Annexure A-1.

Reference at this stage can further be made to the statement of the prosecutrix wherein she raised allegations of immoral acts against her step father and stated that she did not want to live with her mother and step-father.

Learned State counsel on instructions has further informed the Court that out of 17 prosecution witnesses, 09 have been examined.

Heard.

Petitioner is in custody since 31.03.2016

Keeping in view the fact that the trial is likely to take some time to conclude, the present petition is allowed. Petitioner is ordered to be released on bail during pendency of the trial of the present case, subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Gurgaon.

25.04.2017
G Arora

(RITU BAHRI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No