

Criminal Misc. M- No. 36226 of 2016 (O&M)

Date of decision : February 22, 2017

Dr. Sanjeev Garg

.....Petitioner

Versus

State of U.T., Chandigarh

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILLPresent: Mr. A.P. Kaushal, Advocate
for the petitioner.

Mr. D.S. Brar, APP, UT, Chandigarh.

Mr. Yogesh Goel, Advocate
for the complainant.

LISA GILL, J.

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No. 273 dated 23.07.2016 registered under Sections 376 (2) & 506 Indian Penal Code (for short 'IPC') and 4 & 6 of Protection of Children from Sexual Offences Act, 2012 at Police Station Sector 34, Chandigarh.

It is submitted that the petitioner has been falsely implicated. He was not named in the FIR initially but was roped in on the basis of the statement of the alleged victim recorded under Section 164 Cr.P.C. The said statement was recorded after ten days of filing of the FIR. In the petition, it is prayed that the DNA report was awaited, therefore, the petitioner be granted anticipatory bail at least till the report of the DNA test is received, especially because the report would shed light on the complicity or otherwise of the petitioner. Interim protection was afforded to the petitioner

by this Court on 07.10.2016. This Court was informed on 15.02.2017 that as per the DNA report dated 06.12.2016, paternity of the petitioner has not been established. The petitioner was found innocent during investigation, however, notice was issued to the petitioner by the learned Additional Sessions Judge, Chandigarh on 23.09.2016. Bailable warrants were issued thereafter. Learned counsel for the State has produced a certified copy of order dated 23.09.2016. The same is taken on record subject to just exceptions.

Learned counsel for the complainant does not dispute that the said DNA report has been received and does not prove the paternity of the petitioner.

There are no allegations on behalf of the State that petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts in the Court, if released on bail.

Keeping in view the facts and circumstances noted above but without expressing any opinion on the merits of case, it is considered just and expedient to allow this petition. Consequently, order dated 07.10.2016 is made absolute.

February 22, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes

Whether reportable : Yes/No