

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

CRM M-37854 of 2016 (O&M)

Date of Decision: 28.11.2017.

Raashid

... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. Saleem Ahmed, Advocate,
for the petitioner.

Ms. Mahima Yashpal, AAG Haryana.

Mr. Arjun Atri, Advocate,
for respondent No.2.

JITENDRA CHAUHAN.J.(ORAL)

Reply by way of affidavit filed on behalf of
respondent No.1 today in the Court is taken on record subject to all just
exceptions.

The present petition has been filed under Section 438
Cr.P.C seeking anticipatory bail in complaint case No.14 dated
07.10.2015 titled as “Afsana vs. Raashid and another” under Section 6
of Protection of Children from Sexual Offences Act, 2012 pending
before Chief Judicial Magistrate, Nuh, District Mewat.

Learned counsel for the petitioner contends that the
prosecutrix herself joined the company of the petitioner and she is a
consenting party. After a detailed inquiry, a cancellation report was
prepared awaiting the FSL report. The prosecutrix and all other

material witnesses have been examined. No recovery is to be effected from the petitioner. In pursuance of the order dated 22.10.2016, the petitioner has appeared before the trial Court on 01.11.2016 and has been admitted to interim bail.

Learned State counsel acknowledges the factum of joining the investigation and preparation of the cancellation report. However, she states that DNA report is still awaited.

Considering the fact that nothing is to be recovered from the petitioner and all the material witnesses have been examined, there is nothing on record to suggest that the petitioner has misused the concession of bail, the present petition is allowed. The order dated 22.10.2016 is made absolute. The petitioner shall appear before the trial Court on each and every date of hearing.

The petition stands allowed.

28.11.2017.
SN

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No