

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

Crl. Revision No.2681 of 2017 (O&M)

Date of Decision: September 06, 2017

Ankti

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Chandan Nayar, Advocate
for the petitioner.

JAISHREE THAKUR, J. (Oral)

The instant criminal revision has been filed to challenge the order dated 04.07.2017 passed by learned Addl. Sessions Judge, Sonapat, vide which the petitioner has been ordered to give his blood sample for re-matching the DNA of the petitioner with the sample of aborted fetus of the prosecutrix.

2. In brief, the facts are that FIR No.70 dated 14.02.2016 came to be registered under Section 6 of POCSO Act by Smt. Kanta Devi w/o Sanjay, in which she specified that Ankit, the petitioner herein, had done wrongful act with her minor daughter. Pursuant to the said FIR, the petitioner was arrested on 14.02.2016 and was released on regular bail. During the course of proceedings, an application was moved by the complainant for re-matching of DNA of the petitioner with the sample of

aborted fetus of prosecutrix through CFSL, Delhi. This application was allowed by learned Addl. Sessions Judge, Sonapat, on the ground that the prosecutrix is a minor child, who had claimed from the very beginning that she got pregnant from the petitioner-accused and therefore, it would be necessary for the just decision of the case to get conducted the DNA profile from a lab, which is competent to do so i.e. CFSL Delhi.

3. Mr. Chandan Nayar, counsel appearing on behalf of the petitioner urged that both the complainant and the prosecutrix have suffered a statement that no wrongful act was done by the petitioner and it was on this basis that the petitioner had been granted regular bail and therefore, no useful purpose would be served in case the said application is allowed.

4. I have heard learned counsel for the parties and perused the record of the case.

5. On the basis of the FIR that was lodged, the petitioner herein came to be arrested under Section 6 of POCSO Act. Even though the statement of complainant and the prosecutrix had been recorded that no wrongful act had been done by the petitioner, this court cannot loose sight of the fact that in the FIR and initial statement recorded under Section 164 Cr.P.C., the prosecutrix had stated about her pregnancy from the accused, while stating that pregnancy was aborted in the civil hospital. During the course of the proceedings, FSL report No.FSL(H) 16/DNA-1108, DNA-41/16 dated 16.05.2017 was obtained, which did not give an opinion about the DNA profile of the accused with the sample of the abortus of the prosecutrix. The DNA profile would be relevant in establishing the case of the prosecution, which was initiated on the basis of the FIR and the

statement given under Section 164 Cr.P.C. The prosecutrix in the present case is a minor child and therefore, it would be in the larger interest of the society to come to the truth of the matter.

6. In view of the above, this court does not find any infirmity in the impugned order, as such, the instant criminal revision is hereby dismissed.

September 06, 2017
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No