

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

**CRM-M-41824-2018 (O&M)
Date of Decision: 10.10.2018**

Rajesh Kumar

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. S.K. Yadav, Advocate
for the petitioner(s).

Ms. Priyanka Sadar, A.A.G., Haryana.

ANITA CHAUDHRY, J

Petitioner is seeking regular bail in FIR No.601 dated 26.10.2017 registered under Sections 376(2)F/354 IPC at Police Station Mahendergarh, District Mohindergarh.

Learned counsel for the petitioner contends that the petitioner is the father of the prosecutrix and the prosecutrix is married and there was a dispute with respect to the property and the son-in-law had got the property transferred in his own name and since the petitioner was asked to transfer the property, therefore, the case was registered. Counsel further states that the victim was unable to make a statement and she was produced a number of times as the Magistrate had observed that she was not in a fit condition and her intellectual understanding was considered to be below average and she had made allegations against the father and the Uncle but the complaint

was made after seven days.

State counsel informs that the FSL report has been received but no sample was sent for DNA.

The FSL report was negative. No semen was detected on the vaginal swabs and the DNA test, which could have been a sure test, has not been carried out.

Petitioner is in custody since 15.12.2017.

The trial would take time. Without commenting anything on the merits of the case, the petition is allowed. The petitioner is ordered to be released on bail on his furnishing surety and adequate bail bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate.

October 10, 2018

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**(ANITA CHAUDHRY)
JUDGE**

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