

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

**CRM-M-43969-2018
Date of Decision: 20.12.2018**

Sardool Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr.Vikas Gupta, Advocate
for the petitioner.

Mr. B.S. Sewak, Addl. A.G., Punjab.

JAISHREE THAKUR, J. (Oral)

This is a petition that has been filed under Section 439 Cr.P.C.
for grant of regular bail to the petitioner in case FIR No. 105 dated
18.05.2018, Sections 376 & 506 IPC, registered at Police Station City Patti
Tarn Taran.

Mr. Amit Arora, Advocate, puts in appearance and files power
of attorney on behalf of the complainant.

Learned counsel appearing on behalf of the petitioner would
contend that the petitioner is the father-in-law of the complainant and has
been falsely implicated in the said case as would be evident from the DNA
report which has been received. DNA report would reflect that no human
semen was detected on exhibits A-1, A-2 and B.

Mr. B.S. Sewak, learned Addl. A.G., Punjab opposes the grant of regular bail, however, does not dispute the fact that the DNA report has been obtained and the same is negative.

I have heard learned counsel for the parties.

In view of the facts that the petitioner herein has been incarcerated since 23.05.2018, the DNA report same is negative and the trial is likely to take some time to conclude, the present petition is allowed. Without expressing any opinion on merits of the case, the petitioner is ordered to be released on regular bail on furnishing bail bonds and surety bonds to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, concerned subject to following terms:-

- (i) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (ii) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the accused shall have to apply for bail afresh before the trial Court.
- (iii) He shall not leave the country without the previous permission of the Court.

20.12.2018

Satyawan

Whether speaking/reasoned

Whether reportable

(JAISHREE THAKUR)
JUDGE

Yes.

No.