

In the High Court of Punjab and Haryana at Chandigarh

**Crl. Misc. No. M-49068 of 2017
Date of Decision: 12.1.2018**

Pawan Kumar

.....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Rahul Deswal, Advocate
for the petitioner.

Ms. Mahima Yashpal, AAG, Haryana

ANITA CHAUDHRY, J (ORAL)

This is the third application on behalf of the petitioner seeking regular bail in FIR No. 16 dated 27.2.2016 registered at Police Station Women Rohtak, District Rohtak under Sections 323, 342, 313, 506, 511, 376 (2) (n), 34 IPC.

Counsel for the petitioner concedes that they had filed second bail application which was dismissed on 22.11.2016. He refers to Annexure P-8. He further states that the bail application had been dismissed as the trial was proceeding at a fast pace. He states that the trial had concluded and the prosecution had completed their evidence and the DNA report had been received and the report did not support the prosecution and now the complainant has moved an application under Section 311 Cr.P.C. and they want to summon officials of FSL and therefore, the trial will be delayed. The counsel has also pointed out to the statement made by the victim who is a Nurse in the nursing home where the petitioner had taken his wife and

child for treatment. The counsel further states that the girl knew that the petitioner was married but wanted to live with him and she was major and old enough to understand the consequences of her act.

The prosecution has already closed its evidence. The DNA report does not support the prosecution. An application has been moved by the complainant and the trial would take time.

Without commenting anything on the merits of the case and considering the fact that the trial will take time to conclude, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing local surety and adequate bonds to the satisfaction of the trial Court/Duty Magistrate.

(ANITA CHAUDHRY)
JUDGE

January 12, 2018
Gurpreet

Whether speaking/reasoned : Yes
Whether reportable : No