

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

Crl. Misc. M-52572 of 2018 (O&M)  
Date of Decision: December 06, 2018

Avdesh

...Petitioner

Versus

State of Haryana

...Respondent

**CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR**

Present:- Mr. Fateh Saini, Advocate  
for the petitioner.

Mr. P.P. Chahar, DAG Haryana.

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**JAISHREE THAKUR, J. (Oral)**

Affidavit of Mr. Shrikant Jadhav, IPS, Director Forensic Science Laboratory Madhuban, Karnal, Haryana, filed in terms of order dated 04.09.2018, is taken on record.

While praying for grant of regular bail, primarily an argument was raised that the DNA report is not being made available by the Forensic Science Laboratory, Madhuban. On the said argument, Director Forensic Science Laboratory, Madhuban was asked to expedite the DNA report/FSL Chemical Examiner Report and explain as to why there was an inordinate delay in making the said report available.

Affidavit has been filed explaining the reasons as to why the DNA matching could not be done immediately on receipt. The explanation given in the shape of affidavit is accepted.

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.27 dated 14.03.2017, under Sections 4, 8 of POCSO Act (Section 6 of POCSO Act added later on), registered at Police Station Sector 20, Panchkula.

Learned counsel for the petitioner herein contends that the petitioner was taken into custody in the aforesaid FIR on 16.03.2017. It is argued that the petitioner has been falsely implicated in the present case. It is submitted that the material witnesses have since been examined and the DNA report is now made available. It is also contended that conclusion of trial will take sufficient time, therefore, the petitioner is entitled to be enlarged on bail.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer opposes the grant of regular bail to the petitioner, while submitting that it is not only the DNA report that would ultimately be relied upon and it is also the statement of the prosecutrix, which has to be taken into account. However, he does not dispute the fact that the material witnesses have since been examined and the DNA report has also been made available.

I have heard learned counsel for the parties.

Since, the trial is likely to take some time and in view of the facts that the petitioner herein has been in custody since 16.03.2017 and that there is no likelihood of the petitioner herein to influence the witnesses, since the material witnesses have been examined and the rest are only official witnesses, as such, no useful purpose would be served in keeping the petitioner behind bars. At this stage, without commenting on the merits

of the case, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate.

**December 06, 2018**  
*vijay saini*

**(JAISHREE THAKUR)**  
**JUDGE**

Whether speaking/reasoned  
Whether reportable

Yes/No  
Yes/No