

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-2813 of 2019

Date of Decision: 25.1.2019

Irshad

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Rajesh Lamba, Advocate
for the petitioner (s).

Mr. Vikas Chopra, DAG, Haryana.

RAJ SHEKHAR ATTRI, J.

The present petition has been filed under Section 439 Code of Criminal Procedure (in short, “Cr.P.C”) for grant of regular bail to the petitioner in case FIR No.39 dated 2.6.2018 registered for the offences punishable under Sections 506(II) of Indian Penal Code (for short, “IPC”) and Section 4 of Protection of Children from Sexual Offences Act at Police Station Women, District Palwal.

Heard.

Allegations have been levelled in the FIR with regard to committing rape upon the minor prosecutrix.

Counsel for the petitioner submits that the prosecutrix and her mother have been examined but they failed to support the prosecution case and he relied upon the statement of the prosecutrix (Annexure P-1) as well

On the other hand, learned State counsel has submitted that as per DNA test, seminal stains on source taken by way of swabs of the prosecutrix from her Salwar matched with DNA profile of the petitioner. However, the prosecutrix has categorically stated that the petitioner has not committed rape upon her.

Without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Irshad son of Yunus is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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 petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the previous permission of the Court.

January 25, 2019

Paritosh Kumar

**(RAJ SHEKHAR ATTRI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No