

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-19783 of 2019

Date of Decision: 18.07.2019

Amanjeet @ Sonu @ Sohan

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Akash Vashisth, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.176 dated 21.09.2018 under Sections 363, 366-A IPC and Sections 376(2)(d), 506 IPC and Section 6 POCSO Act (added later on) registered at Police Station Guhla, District Kaithal.

The FIR in question was registered at the behest of Jogi Ram, who is uncle of the prosecutrix. As per the FIR, on 21.09.2018 at about 4-00 A.M., the co-accused Monu r/o Dibdha allured the niece of the complainant to flee away. The complainant had doubt that the petitioner was also involved with the co-accused Monu.

Learned counsel for the petitioner has argued that during trial, SI Suresh kumar has appeared as PW-13 and has deposed that on the relevant date i.e. on 21.09.2018, he (Suresh Kumar) had called the petitioner and thus, the petitioner remained present in the village. But still, the prosecutrix in her statement under Section 164 CrPC has deposed that the petitioner had accompanied the other accused Monu and she was taken to Delhi. Further, the prosecutrix in her statement under Section 161 CrPC has stated that the petitioner had raped her at Mohali, but the fact remains that at no point of time, the petitioner remained with the prosecutrix. He has further argued that the petitioner was medically examined in the case and DNA report does not match with him. Therefore, the petitioner has falsely been implicated in the case. The petitioner is in custody since 27.09.2018 and in absence of any medical evidence against him, the petitioner deserves to be admitted on bail.

Learned State counsel does not dispute the custody of the petitioner. She fairly states that as per the medical report, the DNA report received in the case matches with co-accused Sunny and not with the petitioner.

I have heard learned counsel for the parties.

Without observing anything on the merits of the case, but considering the fact that the DNA report does not prove involvement of the petitioner in the case and SI Suresh kumar, while appearing as PW-13, has specifically stated that the petitioner remained present in the village at the relevant time when the alleged offence was committed, coupled with the fact that the petitioner is in custody since 27.09.2018 and trial in the case

will take sufficiently long time, this Court is of the opinion that no useful purpose will be served to keep the petitioner in custody. Therefore, the petitioner deserves to be released on regular bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of trial Court.

However, it is made clear that the petitioner shall not influence any witness in the case.

July 18, 2019
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?
Whether reportable?

Yes / No
Yes / No