

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

223

CRM-M-22903-2019

Date of Decision: 29.05.2019

Shivam

.....Petitioner

Versus

State of Haryana

.....Respondent

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

**Present: Mr. Abhimanyu Singh, Advocate,
for the petitioner.**

Mr. Manish Bansal, D.A.G., Haryana.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.6 dated 10.01.2019 under Section 506 IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012, registered at Police Station Women Police Station Manesar, Gurugram, District Gurugram.

Learned counsel for the petitioner has argued that the petitioner is in custody since 11.01.2019 and no prosecution witnesses have deposed against the petitioner. Even the FSL report suggests that semen could not be detected on Exhibit-1 (vaginal swabs).

Learned State Counsel does not dispute the custody. However, he states that the allegations against the petitioner are serious and merely because the prosecutrix and other witnesses have been declared hostile, is no ground to admit the petitioner on bail.

Heard learned counsel for the parties.

Considering the fact that the prosecution witnesses have been declared hostile and the FSL report dated 28.01.2019 as produced by learned State Counsel suggests that ***though the human semen were detected on Exhibit-2 (underwear), however, semen could not be detected on Exhibit-2 (vaginal swab)***, this Court finds that culpability of the petitioner is yet to be established.

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, the observations made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall proceed with the trial independently without being influenced by the order of bail passed by this Court.

It is made clear that the petitioner shall not extend any threat and shall not try to influence any prosecution witnesses directly or indirectly in any manner.

May 29, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No