

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

CRM-M-23145-2019 (O&M)
Date of decision: 26.11.2019

KHEM SINGH

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Baldev Singh Dhillon, Advocate
for the petitioner.

Mr. Ashok Singh Choudhary, Addl. A.G., Haryana.

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner seeks grant of regular bail in case registered vide FIR No.83 dated 27.8.2018 under Sections 376-A, 376-B, 506 IPC and read with Section 6 of POCSO Act registered at Police Station Women, District Ambala.
2. The allegations in nut-shell are that the petitioner had sexual assaulted the victim aged about 3 ½ years.
3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that in fact the report of DNA examination negates the case of the prosecution as regards the involvement of the petitioner.

4. Opposing the petition, learned State counsel has submitted that presence of spermatozoa was detected from the underwear of the victim which would substantiate the case of the prosecution.
5. However on the other hand, learned counsel for the petitioner has referred to the report of DNA examination as per which the DNA profile of the blood sample of the petitioner did not match with the DNA profile of the samples of seminal stains lifted from the underwear which had been sent for examination.
6. While refraining from making any comment as regards the conclusion that may be drawn from the aforesaid DNA report and while bearing in mind that the petitioner has been behind bars since last about 1 year and 3 months and till date only 11 PWs out of cited 23 PWs have been examined, further detention of the petitioner will not serve any useful purpose as conclusion of trial, in its normal course, is likely to take some time. The petition, as such, is accepted and it is ordered that petitioner be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

(GURVINDER SINGH GILL)
JUDGE

26.11.2019
Gaurav Sorot

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**