

230.

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

CRM-M-47653-2019

Date of decision:14.11.2019

SANJU @ JASWINDER

... Petitioner

versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Deepam Raghava, Advocate,
for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.13 dated 12.01.2019 registered under Section 365 of IPC, Section 3 of SC/ST Act and Section 4 of POCSO Act, 2012 at Police Station Ladwa, District Kurukshetra.

The allegation against the petitioner is that he has forcibly taken the victim to his house in his car and committed wrong act with her.

Counsel for the petitioner has referred to the statement of the prosecutrix under Section 164 Cr.P.C. recorded on 14.01.2019 and submits that the prosecutrix has made a statement that she was pressurized to give statement against the petitioner. She knew the petitioner for the last 1 ½ years and gone to his house at her own free will. She stayed there for about 2-3 hours and the petitioner has not committed any wrong act with her. He

has also referred to the DNA report (Annexure P-3) to contend that the DNA

profile has not suggested the commission of crime. The petitioner is in custody since 16.01.2019.

Learned State counsel, on instructions from ASI Mamta Rani, states that though the prosecutrix has made statement under Section 164 Cr.P.C. but she was minor (16 ½ years of age). The allegations against the petitioner are serious in nature as he has sexually abused the prosecutrix.

I have heard learned counsel for the parties.

Petitioner is in custody since 16.01.2019. The statement of the prosecutrix and the DNA report do not support the case of the prosecution. Thus, this Court deems it appropriate to admit the petitioner on bail.

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

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

The observations made hereinabove shall not be construed as an expression on the merits of the case and the trial court shall decide the case on the basis of available material.

(HARI PAL VERMA)
JUDGE

14.11.2019
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No