

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

CRM-M-50347-2019 (O&M)

Date of decision : 03.12.2019

Gianender @ Channel

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Abhishek Dhull, Advocate for the petitioner.

Mr. Manish Bansal, DAG, Haryana alongwith SI Dev Dutt.

ANIL KSHETARPAL, J. (ORAL)

Petitioner prays for grant of bail pending trial in a criminal case arising from FIR No.79 dated 04.10.2018 registered under Sections 343, 211, 506 and 34 of the Indian Penal Code and Section 4 of POCSO Act, at Police Station Adarsh Nagar, Faridabad.

As per case of the prosecution, child victim aged about 13 years was sexually abused. Allegation against the petitioner is that he alongwith two boys had forced the child to commit oral sex. Medico legal examination of the victim shows “no external marks are seen all over the body”. DNA profile of the petitioner and underwear of the victim also does not match. Conclusion drawn by the Forensic Science Laboratory, Haryana, is extracted as under:-

“The Autosomal STR analysis indicates that DNA profile of

seminal stains on source of item No.I (Underwear) is not matching with the DNA profile of Gianendr @ Chand (Source of item No.2)

Note: I. After examination the exhibits have been sealed with seal of SSD/SK/FSL (H) MBN.”

Petitioner is in custody since 22.04.2019. Hence, petitioner has already suffered incarceration for a period of more than 7 months. Conclusion of the trial is likely to take a long time as application under Section 319 Cr.P.C. for summoning the additional accused is pending.

As per information supplied by the learned counsel for the State, on instructions from SI Dev Dutt, petitioner is not involved in any other case.

Without commenting on the merits of the case and keeping in view the aforesaid facts, the petitioner is directed to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

Accordingly, the present petition is allowed.

03.12.2019

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No