

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

CRM-M-151 of 2020.

Decided on:- January 13, 2020.

Dharamveer.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

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

Present:- Mr. Vikram Singh, Advocate
for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

HARI PAL VERMA, J. (Oral)

The petitioner has filed present petition under Section 439 Cr.P.C. for grant of regular bail in FIR No.109 dated 02.04.2019 under Sections 363, 366A, 376 and 201 IPC as well as Section 6 of the Protection of Children from Sexual Offences Act, 2012 (for short, the POCSO Act) registered at Police Station Chandhut, District Palwal.

The aforesaid FIR was registered at the behest of father of the prosecutrix. As per the FIR, on 01.04.2019, the complainant was sleeping with the family members at his house at 05.00 A.M. in the morning, he got up and noticed that his daughter had gone to Nohra for attending nature's call, but she did not return back. Thereafter, efforts were made to locate her and later on, he came to know that she had been taken away by the accused.

Learned counsel for the petitioner has argued that after registration of the case, the offence under Section 376 and 201 IPC were

added. However, the prosecutrix in the case has been examined and she has not supported the case of the prosecution. The petitioner is in custody since 13.06.2019 and once the prosecutrix has already been examined, the petitioner deserves to be admitted on bail. Further, the FSL report does not support the case of the prosecution.

Learned State counsel, on instructions from ASI Jeet Ram, admits that the FSL report does not support the case of the prosecution as the semen detected on the person of the prosecutrix does not match with the petitioner.

I have heard learned counsel for the parties.

Considering the fact that the FSL report does not support the case of the prosecution and the petitioner is in custody since 13.06.2019, this Court finds that the culpability of the petitioner is yet to be established during the trial and he deserves to be admitted on bail.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing adequate bail and surety bonds to the satisfaction of learned trial Court.

The observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case without being influenced with these observations in any manner.

January 13, 2020
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No