

Covid-19 Pandemic)

CRM-M-17691-2020

Date of Decision: 05.08.2020

CHARAN SINGH AND ANR

... PETITIONERS

VS.

STATE OF HARYANA

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr.Surender Kumar Sharma, Advocate, for the petitioners.

Ms. Gaganpreet Kaur, AAG, Haryana.

VIVEK PURI, J.(ORAL)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioners in case FIR No. 58 dated 28.05.2019, under Sections 365 and 506 IPC and Section 6 of Protection of Children from Sexual Offences Act, registered at Police Station Mahila Police Station, Narnaul.

Briefly, the aforesaid FIR has been registered on the basis of statement of the victim, aged about 14 years and 06 months, wherein it has been alleged that on 27.05.2019 at about 1:00 P.M., she had gone to answer the call of nature near the railway track outside her house. Both the petitioners took her to Sati Mata Mandir, gagged her mouth and committed forcible sexual intercourse turn by turn.

It has been pointed out by learned counsel for the petitioners that during the course of trial, the victim as well as her mother have not supported the prosecution version. In her statement, during the course of trial, the victim has levelled allegation of molesting her against two

unknown boys. The victim as well as her mother have denied the allegations against the petitioners.

It has been further argued by learned counsel for the petitioners that no semen was found during the medico-legal examination of the victim and there is nothing to suggest that any DNA analysis has been conducted.

Learned State counsel, on instructions from ASI Asha, has not disputed the factual position.

Keeping in view the fact that the victim and her mother have not supported the prosecution version qua the petitioners and no DNA examination has been conducted, sufficient grounds are made out to extend the concession of bail to the petitioners. Accordingly, the present petition is allowed and petitioners are ordered to be released on bail, subject to their furnishing bail/surety bonds to the satisfaction of concerned Chief Judicial Magistrate/Illaq Magistrate/Duty Magistrate/trial Court. The observations in this order have been circumscribed only for the purpose of disposal of bail application and are not to be construed as an expression on the merits of the case.

05.08.2020

smriti

(VIVEK PURI)**JUDGE**

Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No