IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-19132 of 2020 (O&M)
DECIDED ON: 7th DECEMBER, 2020

Didar Singh

.....PETITIONER

VERSUS

State of Punjab

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. P.S. Sekhon, Advocate for the petitioner.

Ms. Samina Dhir, DAG, Punjab

Mr. Vijay Lath, Advocate for the complainant.

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AVNEESH JHINGAN, J (ORAL)

The matter is taken up for hearing through video conference due to COVID-19 situation.

This is a petition seeking anticipatory bail in FIR No. 113 dated 29.6.2020 under Section 376 and 506 IPC, registered at Police Station Chamkaur Sahib, District Rupnagar.

The FIR was against Didar Singh at the instance of Gurcharan Singh. It was alleged that his daughter victim 'x' got married in 2018 but was divorced after 9 months. After divorce she was living in her parental home in village Dehar. Wife of the petitioner was Sarpanch from 2013 to 2018 and wife of the complainant was a Panchayat Member, due to this Didar Singh-petitioner used to visit the house of the complainant. For last one year accused was committing rape with her daughter and she got pregnant. She was threatened not to disclose the fact otherwise her family members would be killed. It was alleged further that Didar Singh was called in Panchayat where he admitted the relationship and sought apology.

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High Court, Sector-1, Chandigarh

Learned counsel for the petitioner submits that the petitioner is 60 years old and had no relation with the victim. She had delivered a still born child on 16.7.2020 and the family of the victim tried to bury the child in haste, however, on his instance the post-mortem was conducted.

On 17.7.2020 the petitioner offered to undergo DNA test for determining the paternity of still born child. The interim bail was granted subject to his joining investigation. DNA test was conducted, from perusal of the DNA report annexed with the reply dated 9.11.2020 it is forthcoming that the DNA of the petitioner did not match with the still born child delivered by the victim. With the reply Psychological Assessment Report dated 23.10.2020 is also annexed wherein it has been mentioned "*borderline level of intellectual functioning"*.

Learned counsel for the petitioner submits that the petitioner has joined investigation. The DNA report establishes that the still born child was not of the petitioner.

Learned State counsel on instructions from ASI Sohan Singh submits that the petitioner has joined investigation and no custodial interrogation is required.

Learned counsel for the complainant submits that CRM No. 25110 of 2020 was filed for getting the victim examined regarding soundness of mind, however, the application has been rendered infructuous in view of report dated 23.10.2020 annexed with reply dated 9.11.2020.

In view of the report annexed with the reply of the State, he seeks liberty to challenge the DNA report in appropriate proceedings.

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In view of the facts and statements mentioned above, the interim bail granted to petitioner on 17.7.2020 is made absolute.

The complainant would be at liberty to have recourse against the DNA report as per law.

The petition stands disposed of.

(AVNEESH JHINGAN)
JUDGE

7th DECEMBER, 2020
reema

Whether speaking/reasoned *Yes*
Whether reportable *Yes*

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