

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

207

CRM-M-23065 of 2020

Date of Decision: 16.10.2020

Harnek Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Aman Sharma, Advocate
for the petitioner.

Mr. P. S. Walia, AAG, Punjab.

Lalit Batra, J.(Oral)

Case has been taken up for hearing through Video Conferencing.

Present petition under Section 439 Cr.P.C is for grant of regular bail to petitioner-**Harnek Singh** in case F.I.R. No.68 dated 20.08.2019 under Sections 323 and 376 IPC, registered at Police Station Lakhewali, District Sri Muktsar Sahib.

Report in respect of Forensic DNA Test has been received from Court concerned.

Learned counsel for the petitioner *inter alia* contends that petitioner has no nexus whatsoever with the alleged offence. He further urges that though alleged occurrence took place on 17.08.2019, whereas FIR was got registered on 20.08.2019 and as such there was inordinate

delay in lodging the FIR and that too unexplained one. He further submits that testimonies of prosecutrix (PW-1) and her husband (PW-2) have already been recorded by trial Court. He further urges that even otherwise PW-1 (prosecutrix) in her testimony has made material contradictions. He further urges that DNA test result is inconclusive due to insufficient quantities of male DNA on the exhibits B-1 and B-2 (Source: Vaginal swabs of prosecutrix). He further contends that petitioner is in custody since 20.08.2019 and he is no more required by the Police for any investigation purpose. He further urges that since trial of the case would take sufficient time to conclude, no useful purpose would be served by keeping the petitioner in custody further and he may be released on bail.

On the other hand, learned State counsel while opposing instant petition has vehemently argued that keeping in view seriousness of offence, petitioner does not deserve the concession of bail.

I have heard learned counsel for the parties.

At this stage, without commenting anything on the merits of the case lest it may prejudice the outcome of the trial but taking into consideration the fact that petitioner is in custody since 20.08.2019; that petitioner is no more required by the Investigating Agency for investigation purpose; that statements of material prosecution witnesses i.e. prosecutrix and her husband have already been recorded and since trial of the case would take sufficient time to conclude, no useful purpose

would be served by detaining the petitioner in custody further, thus, he deserves the concession of bail.

In view of above, instant petition for grant of regular bail moved by petitioner-**Harnek Singh** is allowed and he is ordered to be released on bail on his furnishing personal/surety bonds to the satisfaction of trial Court/Chief Judicial Magistrate/Duty Magistrate, Sri Muktsar Sahib, as the case may be.

(LALIT BATRA)
JUDGE

16.10.2020
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Whether speaking/reasoned : Yes
Whether reportable : No