

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

103

CRM-M-24987-2020

Date of Decision:31.08.2020

Kamal

.....Petitioner

Versus

State of Haryana

.....Respondent

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

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

Ms. Gaganpreet Kaur, AAG, Haryana.

HARI PAL VERMA, J.(Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Prayer in this 2nd petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.723 dated 11.10.2018 under Sections 201, 302, 34, 342, 376-D IPC, registered at Police Station Gharaunda, District Karnal.

The earlier petition i.e. CRM-M-49080-2019 filed by the petitioner was dismissed as withdrawn vide order dated 15.01.2020 passed by this Court.

Learned counsel for the petitioner has argued that the petitioner is in custody since 18.10.2018 (i.e. for about 01 year and 10 months). He states that the witnesses examined in the case so far, have not supported the case of the prosecution and have turned hostile. Learned Additional Sessions Judge-cum-Special Court for the cases of Heinous Crime against

Women, Karnal, vide order dated 14.08.2019 has dismissed the regular bail

application filed by the petitioner on the ground that in the FSL report, human semen has been detected on the garments and samples collected by the Medical Officer, however, DNA report for matching with the blood samples of the petitioner was still awaited.

When confronted with this position, learned State Counsel, on instructions from SI Krishan Kumar, does not dispute the custody period, however, she submits that DNA report has been received and it does not match with the petitioner.

Heard learned counsel for the parties.

Petitioner is in custody since 18.10.2018 (i.e. for about 01 year and 10 months). Complainant and the victim have been examined in the case and they have not supported the case of the prosecution, rather turned hostile. DNA report has been received and it does not match with the petitioner. Trial in the case is not likely to be concluded in the near future, in the light of prevailing COVID-19 pandemic situation. Thus, this Court deems it appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate.

However, it is made clear that the observations made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall proceed with the trial independently without being influenced by the order of bail passed by this Court.

August 31, 2020
seema

(HARI PAL VERMA)
JUDGE

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