

In the High Court of Punjab and Haryana at Chandigarh

**CRM-M No. 24424 of 2020
Date of Decision: 18.11.2020**

Pawan Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Sanjeev Kumar Bawa, Advocate
for the petitioner.

Mr. Amar Ashok Pathak, Addl.A.G., Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

The petitioner seeks regular bail in FIR No.087 dated 13.07.2019 under Sections 376 of Indian Penal Code, 1860 and Section 4 of the Protection of Children from Sexual Offence Act, 2012, registered at Police Station Sadar Jalandhar Police, District Police Commissionerate Jalandhar.

Custody certificate by way of affidavit of the Superintendent Central Jail, Kapurthala, has been filed through e-mail. Print out of the same is taken on record.

At the very outset, learned counsel for the petitioner submits that Dr. Satwinder Kaur has stepped into the witness box as PW-2 and stated that as per the DNA Report, petitioner/accused-Pawan Kumar is not the biological father of the baby, to whom the victim has given birth.

On the other hand, learned State counsel has pointed out that the heinous crime has been committed on Preeti, who is the minor daughter of the complainant and the petitioner/accused is their relative. It has further been stated that the victim has deposed before the police under Section 161 Cr.P.C.

In the present case, the doctor appearing as PW-2 has stated that as per the DNA Report, the petitioner is not the biological father of the baby of the victim. The petitioner has been in custody from the last 01 year 03 months and 24 days. Moreover, out of 14 witnesses, only 04 have been examined. The trial will take time to conclude because of Covid-19 pandemic. No useful purpose would be served by keeping the petitioner behind the bars.

Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

November 18, 2020
Anjal

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No