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

**CRM-M No.25276 of 2020
Date of Decision: 03.12.2020**

SAHILPetitioner
Vs
STATE OF PUNJABRespondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Aakash Gupta, Advocate
for the petitioner.

Mr. Randeep Singh Khaira, Asstt. A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.139 dated 14.06.2019, registered under Sections 363, 366-A IPC (Sections 376 IPC and 3, 4 & 8 of POCSO Act added later on) at P.S. City Phagwara, District Kapurthala.

FIR was registered by mother of the victim with the allegations that the petitioner had enticed away her minor daughter from the house on the night of 13.06.2019. Daughter of the complainant was 14 years of age and had run away from

the house with the accused-petitioner. After recovery of the victim, her statement was recorded under Section 164 Cr.P.C. before the Sub-Divisional Judicial Magistrate, Phagwara, where she had stated that she had gone to Delhi voluntarily with the petitioner and petitioner never enticed her away. They maintained physical relation out of free will. Petitioner did not force her to make such relation. She exonerated the petitioner fully in her statement under Section 164 Cr.P.C. dated 26.06.2019.

Learned counsel for the petitioner by referring to MLR of the victim submitted that no external injury was found on the body of victim, rather as per FSL report, human semen was not detected on Swabs and slides (Exs.A-1, A-2, A-3 and A-4) and female DNA was obtained in respect of Swabs and slides and that was found to be of the victim only. No incriminating material could be detected in DNA profile viz-a-viz. the petitioner.

Vide order dated 03.09.2020, State was directed to file status report before the next date of hearing which was fixed as 09.10.2020. On 09.10.2020, learned State counsel further sought time to file status report in compliance of order dated 03.09.2020. The case was adjourned for 24.11.2020. On 24.11.2020 also the order dated 03.09.2020 was not complied with. Last opportunity was granted to the State to comply with

the aforesaid order. Today also, learned State counsel seeks further time to do the needful.

In view of material on record, I deem it appropriate not to grant any further indulgence as the case cannot be repeatedly adjourned at the instance of State counsel, particularly when the petitioner has attached sufficient material for disposal of the case on merits. Petitioner is in custody since 23.06.2019.

At this stage without adverting anything on the merits of the case and in view of statement of the victim under Section 164 Cr.P.C, FSL report and also keeping in view the situation arising out due to COVID-19 pandemic, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

(RAJ MOHAN SINGH)
JUDGE

December 03, 2020

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Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No