

207.

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

CRM-M-24351-2019

Date of decision: 06.01.2020

HARPREET SINGH

... Petitioner

versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Amaninder Singh Sekhon, Advocate,
for the petitioner.

Mr. Hittan Nehra, Additional Advocate General, Punjab.

HARI PAL VERMA, J. (Oral)

This is second petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.213 dated 30.09.2017 registered under Section 376 of IPC and Sections 3 & 4 of Protection of Children from Sexual Offences Act, 2012, at Police Station City, Faridkot, District Faridkot.

Learned counsel for the petitioner has argued that the petitioner is in custody since 04.10.2017 and the present second petition has been filed after receipt of DNA test report dated 06.02.2019. He has produced photocopy of FSL report dated 06.02.2019 and on the strength of said report, he submits that the said report does not establish the commission of offence by the petitioner. Except bald statement in the FIR and the statement under Section 164 Cr.P.C., there is no allegation against the petitioner.

Learned State counsel does not dispute the custody as well as the FSL report which suggests that the exhibits, as referred in the statement, do not match with the profile obtained from Exhibit D-1 (source: reference blood of the petitioner).

I have heard learned counsel for the parties.

Petitioner is in custody since 04.10.2017 and the FSL report does not support the case of the prosecution. The culpability of the petitioner is yet to be established during the course of trial. Considering the fact that the trial is likely to take sufficient time, 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 bail bonds/surety bonds to the satisfaction of trial Court.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observations made hereinabove shall not be construed as an expression on the merits of the case and the trial court shall decide the case on the basis of available material.

(HARI PAL VERMA)
JUDGE

06.01.2020
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Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No