

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

CRM-M-38047-2020

Date of decision: 25.11.2020

Manish @ Alian

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Ms. Jasneet Mehra, Advocate for
Mr. Amrainder Singh, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, D.A.G., Haryana.

(Through Video Conferencing)

ARVIND SINGH SANGWAN, J. (ORAL)

The prayer in the present petition is for grant of regular bail in FIR No. 79 dated 04.10.2018 under Sections 211, 34, 343, 506 IPC, 1860 and Section 4 of 'The Protection of Children from Sexual Offence Act, 2012' registered at Police Station Adarsh Nagar, District Faridabad.

Learned counsel for the petitioner submits that the petitioner was initially found innocent. However, later on, he has been summoned under Section 319 Cr.P.C. and is in custody since 09.01.2020.

Learned counsel for the petitioner further submits that the co-accused Gianender @ Channel has been granted the concession of regular bail vide order dated 03.12.2019 passed in CRM-M-50347-2019. The operative part of the order reads as under:-

*“As per case of the prosecution, child victim
aged about 13 years was sexually abused. Allegation*

against the petitioner is that he alongwith two boys had forced the child to commit oral sex. Medico legal examination of the victim shows “no external marks are seen all over the body”. DNA profile of the petitioner and underwear of the victim also does not match. Conclusion drawn by the Forensic Science Laboratory, Haryana, is extracted as under:-

The Autosomal STR analysis indicates that DNA profile of seminal stains on source of item No. 1 (underwear) is not matching with the DNA profile of Gianendr @ Chand (Source of item No. 2)

Note: I. After examination the exhibits have been sealed with seal of SSD/ SK/FSL (H) MBN.”

Petitioner is in custody since 22.04.2019. Hence, petitioner has already suffered incarceration for a period of more than 7 months. Conclusion of the trial is likely to take a long time as application under Section 319 Cr.P.C. for summoning the additional accused is pending.

As per information supplied by the learned counsel for the State, on instructions from SI Dev Dutt, petitioner is not involved in any other case.

Without commenting on the merits of the case and keeping in view the aforesaid facts, the petitioner is directed to be released on bail on his furnishing bail bonds/ surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate.

Accordingly, the present petition is allowed.”

Learned counsel for the petitioner submits that since the petitioner is facing trial and at one point of time, he was declared innocent, he may be granted concession of regular bail.

Learned State counsel has not disputed the fact that the petitioner was summoned under Section 319 Cr.P.C.

After hearing counsel for the parties and in view of the fact that the co-accused has been granted the concession of regular bail, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bond to the satisfaction of the learned trial Court/ Illaqa Magistrate/Duty Magistrate.

(ARVIND SINGH SANGWAN)
JUDGE

25.11.2020

Mehak

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