

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

**CRM-M No.34473 of 2019
Date of Decision.22.01.2020**

Sushil Kumar

...Petitioner

Vs

State of Punjab and others

...Respondents

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Bhuwan Luthra, Advocate
for the petitioner.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

Mr. J.S. Dadwal, Advocate
for respondent No.3.

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JAISHREE THAKUR J. (ORAL)

This is a petition that has been filed under Section 438 Cr.P.C for grant of anticipatory bail in case FIR No.76 dated 31.05.2019 under Section 376, 120-B IPC registered at Police Station Shimlapuri, Ludhiana.

Learned counsel for the petitioner would submit that the present FIR is an outcome of misunderstanding of having an illicit relationship between petitioner and mother of the complainant. The prosecutrix after having realized her mistake has filed an affidavit that she has no objection if the aforesaid FIR is quashed and the persons named therein are acquitted. The petitioner has been falsely implicated in the present case and therefore, is entitled to concession of bail.

Per contra, learned counsel appearing on behalf of the respondent-State opposes the bail application, while contending that the offences alleged against the petitioner are serious in nature and the report of

the Chemical Examiner has supported the case of prosecution, therefore, the petitioner is not entitled to concession of bail.

I have heard learned counsel for the parties and have perused the report of the Chemical Examiner dated 01.08.2019. A perusal of the aforesaid report would reveal that examination of vaginal swabs has shown presence of spermatozoa. Since report of the Chemical Examiner, *prima facie*, substantiates the commission of offence, this Court is not inclined to grant bail to the petitioner at this stage. Consequently, the *crl.* petition stands dismissed.

(JAISHREE THAKUR)
JUDGE

January 22, 2020
Pankaj*

Whether speaking/reasoned Yes/No

Whether reportable Yes/No