

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

CRM-M-52908 of 2019.

Decided on:- January 10, 2020.

Sonu.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Kunal Dawar, Advocate
for the petitioner.

Ms. Priyanka Sadar, A.A.G., Haryana.

HARI PAL VERMA, J. (Oral)

The petitioner has filed present petition under Section 439 Cr.P.C. seeking regular bail in FIR No.117 dated 26.04.2019 (wrongly mentioned as 13.02.2019 in order passed by Ld. ASJ, Palwal Annexure P-8) under Sections 376D, 450 and 506 IPC & 6 of POCSO Act, 2012 registered at Police Station Hassanpur, District Palwal.

Learned counsel for the petitioner states that the petitioner is in custody since 27.04.2019 and the trial is not likely to be concluded in near future.

Pursuant to the previous order dated December 17, 2019, learned State counsel has produced a copy of the DNA report in Court, which is taken on record. She states that the DNA profile of seminal stains is not matching with the DNA profile of the petitioner.

I have heard learned counsel for the parties.

The conclusion of DNA report placed on record in Court today, reads as under:

“The Autosomal STR analysis indicates that the DNA profile of seminal stains on source of item No.5 (Lady Shirt). DNA profile of source of item No.6 (Underwear) is matching with the DNA profile of Narender (Source of item No.7) and is not matching with the DNA profile of Sonu (Source of item No.9)”.

Therefore, in view of the report so produced in Court, this Court finds that the culpability of the petitioner is yet to be established during the trial and the petitioner being in custody since 27.04.2019, , no useful purpose would be served by keeping him in further custody.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing adequate bail bonds and surety bonds to the satisfaction of learned trial Court.

The observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case without being influenced with these observations in any manner.

January 10, 2020
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No