

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

CRM-M-8757-2021 (O&M)

Date of Decision: 12.07.2021

(Heard through V.C.)

Chhinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Salil Dev Singh Bali, Advocate
for the petitioner.

Ms. Rashmi Attri, A.A.G., Punjab.

Mr. Shekhar Dhawan, Advocate
for the complainant.

JAISHREE THAKUR, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.45 dated 09.05.2020, under Sections 376-D, 450, 366, 324, 323 and 34 IPC registered at Police Station Sadar Jalalabad, District Fazilka.

Learned counsel for the petitioner herein would contend that the petitioner has been falsely implicated in the said matter. It is argued that the petitioner has been in custody since 30.05.2020, while contending that the matter has been investigated and the challan has already been presented. Apart from the matter having been investigated, learned counsel for the petitioner would also rely upon the DNA report

which has concluded that human semen present on Exhibits A1 to A6 i.e. vaginal swabs and slides stated to be that of the prosecutrix and Exhibits B1 and B2 stated to be the clothing of the prosecutrix does not belong to Chhinder Singh, the petitioner herein. It is argued that the challan has been presented and the custody will no longer be required.

Learned counsel for the respondent-State opposes the grant of regular bail.

I have heard counsel for the parties and have also perused case file.

In view of the facts noticed hereinafter and the period of custody of the petitioner, I deem it appropriate to allow the benefit of regular bail to him. The petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned.

12.07.2021

ps-I

Whether speaking/reasoned :

Whether Reportable :

(JAISHREE THAKUR)

JUDGE

Yes

No

Yes

No