

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

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**CRM-M-13341-2020
Decided on : 27.08.2021**

Rajan Kumar

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. Sandeep Arora, Advocate
for the petitioner(s).

Mr. Luvinder Sofat, AAG, Punjab
assisted by SI Avtar Singh.

MANJARI NEHRU KAUL, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of bail to the petitioner in case FIR No. 212, dated 21.11.2019, under Sections 376, 506 of IPC and Section 4 & 6 of the POCSO Act, 2012, registered at Police Station Kotwali, District Kapurthala.

Learned counsel for the petitioner submits that a false case has been planted upon the petitioner on the allegations of having raped the victim aged 13 years. He further submits that the FIR in question was got registered with an ulterior motive at the instance of the father and the uncle of the victim, as there had been a property dispute between the petitioner and the family of the victim. Further submits that even the allegations that on account of the rape committed by him, the victim conceived and delivered a child is falsified from the fact that as per the DNA analysis report, the DNA of the child delivered by the victim did not match with that of the petitioner. Learned counsel thus, submits that in the circumstances, it

leaves no manner of doubt that the petitioner has been falsely implicated in the case in hand and therefore, prays for grant of concession of bail to the petitioner.

On the other hand, learned State counsel has opposed the prayer and submissions made by learned counsel for the petitioner. He has, however, on instructions from SI Avtar Singh, very fairly conceded that though in her statement recorded under Section 164 Cr.P.C., the victim did level allegations of rape and giving birth to a child on account of the forcible physical relations established with her by the petitioner, however, the DNA analysis report reflected otherwise, as the DNA samples sent of the child delivered, did not match with that of the petitioner.

Heard.

Without commenting upon the merits of the case and keeping in view the fact that petitioner has been in custody since 21st November, 2019, I deem it a fit case for grant of the concession of regular bail to the petitioner, as there is no likelihood of the trial concluding anytime in the near future. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate.

(MANJARI NEHRU KAUL)
JUDGE

August 27, 2021

J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No