

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

CRM-M No.17101 of 2021 (O&M)
Date of Decision.28.04.2021
(HEARD THROUGH VC)

Sikander Singh

...Petitioner

Vs

State of Punjab

...Respondent

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Rishu Garg, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

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JAISHREE THAKUR J. (ORAL)

This is a petition that has been filed for grant of regular bail to the petitioner in case FIR No.435 dated 26.10.2020 under Sections 366, 367, 344, 376(2)(n) IPC registered at Police Station City Barnala, District Barnala.

Learned counsel for the petitioner *inter alia* would contend that the petitioner has been falsely implicated in the said matter, as the FIR has been registered only on account of exerting the pressure on the petitioner herein on account of a matrimonial dispute arising between him and his wife, who is none other than the sister of the prosecutrix. It is also argued that FSL report would reflect that semen present on Exhibits A3 to A5 (swabs of the prosecutrix) does not match with the DNA profile of the petitioner. It is further argued that the trial is likely to take some time to conclude due to COVID-19 pandemic, thus, prays for concession of regular bail to the petitioner.

Learned counsel appearing for the respondent-State opposes

grant of bail to the petitioner by contending that the offence committed is serious in nature and therefore, no ground is made out for grant of concession of bail to the petitioner.

I have heard learned counsel for the parties. Keeping in view the fact that as per FSL report, DNA profile of the prosecutrix obtained from her swabs does not match with DNA profile of the petitioner and the fact that owing to COVID-19 pandemic, the trial is likely to take some time to conclude, no useful purpose would be served in keeping the petitioner behind bars. The instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal/ surety bond to the satisfaction of concerned trial Court/Duty Magistrate. However, any observation made herein shall not be construed to be an expression on merits of the case.

(JAISHREE THAKUR)
JUDGE

April 28, 2021

Pankaj*

Whether speaking/reasoned Yes/No

Whether reportable Yes/No