

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M- 22345-2021 (O&M)

Date of Decision: 22.09.2021

(Heard through VC)

Jagroop

..... Petitioner

VERSUS

State of Haryana

.... Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present Mr. Aditya Sanghi, Advocate
for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

JAISHREE THAKUR, J.(Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No. 108 dated 10.03.2020, under Sections 376(3) IPC and Section 4 of the POCSO Act registered at Police Station City Tohana, District Fatehabad, Haryana.

Learned counsel for the petitioner would contend that the petitioner herein has been falsely implicated in the present case. It is contended that the petitioner herein is in custody since 11.03.2020. The testimony of the victim and the complainant is available on the record which would reflect that the victim has not supported the version of the prosecution. The statement of the material witnesses including the complainant and the prosecutrix has been recorded. It is argued that out of 15 witnesses 13 witnesses stand examined whereas the trial is likely to take time to conclude.

Per contra, learned counsel appearing on behalf of respondent-

State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, while submitting that the trial is almost complete as only two formal witnesses are to be examined. It is further contended that human semen has been detected on the clothing, which has been sent for DNA analysis and the report of the same is awaited. It is submitted that though the prosecutrix has turned hostile, there would be medical evidence available in case the DNA report turns to be positive.

I have heard learned counsel for the parties.

Despite the fact that the statements of the material witnesses have been recorded and the prosecutrix has not supported the version of the prosecution, I do not deem it appropriate to allow this petition considering the fact that the DNA report is still awaited and the trial is at the fag end.

The petition is disposed of accordingly

However, in case the DNA report turns to be negative, the petitioner would be at liberty to again approach the trial Court for bail, which bail application be considered as per law.

Anything observed in this order is only for the purpose of regular bail and shall not be construed as an expression of opinion on merits of the case.

22.09.2021

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**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes
No