

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

CRM-M-28623 of 2020.

Decided on:- January 28, 2021.

Ravi Dutt.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

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

Present:- Mr. Abhimanyu Singh, Advocate
for the petitioner.

Mr. Bhupender Singh, D.A.G., Haryana.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

This is the second petition filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in FIR No.475 dated 24.07.2017 under Sections 363 and 366-A IPC (Section 4 of the Protection of Children from Sexual offence Act, 2012 and Section 3 of the Scheduled Caste and Scheduled Tribe [Prevention of Atrocities] Act, 1989 were added later on) registered at Police Station Badshahpur, District Gurugram.

The earlier petition i.e. ***CRM-M-21628 of 2019*** titled as ***Ravi Versus State of Haryana*** filed by the petitioner for the same relief was

dismissed for non-prosecution vide order dated February 03, 2020 passed by this Court.

Learned counsel for the petitioner has argued that in the present case, the prosecutrix was forced to make her statement under Section 164 Cr.P.C. She left the house of complainant with her own wishes. After her recovery, she was taken to the concerned hospital for her medico-legal examination. Her statement under Section 164 Cr.PC was recorded on 31.07.2017, wherein she has mentioned that the petitioner forcibly took her on the date of incident and had committed wrong act with her.

He has further argued that there is no medical evidence in the case so as to support the case of prosecution. The petitioner was arrested in the case on 31.07.2017 and since then, he is in custody. As against 18 witnesses cited by the prosecution, 13 witnesses including the prosecutrix have been examined in the case. In this manner, there is no possibility to win over the prosecution witnesses.

Learned State counsel does not dispute the custody of petitioner and the fact that out of 18 prosecution witnesses, 13 witnesses including the prosecutrix have been examined before the trial Court.

I have heard learned counsel for the parties.

The report from the Regional Forensic Science Laboratory, Bhondsi, District Gurugram has been received in the case with an opinion that human semen was detected on exhibit 2 (underwear). However, semen could not be detected on exhibit 1 (vulvo vaginal swabs).

Noticing the fact that the petitioner is in custody since 31.07.2017 and the prosecutrix has been examined in the case coupled with

the fact that the FSL report received in the case is a matter to be appreciated during the course of trial, this Court deems it appropriate to admit the petitioner on bail.

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 any expression of opinion on the merits of the case. The trial Court shall decide the case without being influenced with these observations in any manner.

January 28, 2021
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No