

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

CRM-M No.28969 of 2020 (O&M)

Date of Decision:06.09.2021

Jaswant Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Vipin Mahajan, Advocate
for the petitioner.

Ms. Jaspreet Kaur, AAG, Punjab.

JAISHREE THAKUR, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.56 dated 13.08.2019 under Sections 376, 506 IPC and Section 6 of the POCSO Act registered at Police Station Sekhwan, Police District Batala, District Gurdaspur.

Counsel for the petitioner would contend that the petitioner has been falsely implicated in the said matter. It is submitted that under Section 53-A of Cr.P.C., DNA profile of the petitioner was obtained and sent to Forensic Science Laboratory, Mohali and as per the report, no human semen was detected on Exhibits A1, A2 and B and the DNA profile obtained did not match with the DNA profile of the petitioner herein. It is further submitted that the petitioner herein has been in custody for more than 2 years as having being arrested on 18.08.2019 and the trial is likely to take some time to conclude, therefore prays for concession of bail to the petitioner. It is argued that the prosecutrix stands examined and therefore

question of the petitioner herein influencing her would not arise. It is also submitted that the investigation has been completed and challan stands presented, therefore, custody of the petitioner would no longer be required.

Learned counsel for the respondent-State would oppose grant of bail to the petitioner by contending that the allegations levelled against him are serious in nature, however, she does not dispute the fact DNA profile obtained did not match with the DNA of the petitioner herein.

I have heard counsel for the parties and in view of the categorical finding given that the DNA profile did not match with the DNA of the petitioner and the fact that 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 personal/surety bond of Rs.2 lakhs to the satisfaction of concerned trial Court/Duty Magistrate with a condition that the petitioner would not make any attempt to contact the complainant or her family members in any manner whatsoever. However, any observation made herein shall not be construed to be an expression on merits of the case.

September 06, 2021
P.Bhatt

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No