

212.

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

CRM-M-39169-2021

Date of Decision: 27.10.2021

(Heard through VC)

NAZAR HUSSAIN

.... Petitioner

Versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Sarvesh Kumar Gupta, Advocate,
for the petitioner.

Mr. A.S.Gill, Senior DAG, Punjab.

JAISHREE THAKUR.J (Oral)

This is a petition that has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.51, dated 26.02.2020, registered under Sections 363, 366-A of IPC (Section 376 IPC and Section 4 of the POCSO Act, 2012 added lateron) at Police Station Gobindgarh Mandi, District Fatehgarh Sahib.

Learned counsel for the petitioner would contend that the allegations, as set out in the FIR, are patently false as would be evident from the fact that FSL report and the DNA report do not support the allegations that the petitioner herein had sexual intercourse with the prosecutrix against her consent. It is argued that the statement of the material witness i.e.

the prosecutrix has been recorded and, therefore, the petitioner, if released on regular bail, would not be in a position to influence her testimony. It is submitted that trial is likely to take some time to conclude as only 2 witnesses out of total 13 witnesses have been examined so far.

On the other hand, learned counsel appearing on behalf of the respondent-State opposes the grant of regular bail to the petitioner, however, is not in a position to dispute the fact that the material witness has been examined and the DNA report has been made available.

After having heard learned counsel for the parties and keeping in view the fact that the statement of the prosecutrix has been recorded and the trial in the case will take some time to conclude, this Court deems it appropriate to release the petitioner on regular bail.

Accordingly, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of personal bond in the sum of Rs.50,000/- with one surety of the like amount to the satisfaction of concerned trial Court/Duty Magistrate.

However, any observation made herein shall not be construed to be an expression of opinion on merits of the case.

(JAISHREE THAKUR)
JUDGE

27.10.2021

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No