

214.

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-34103-2020

Date of decision:05.02.2021.

SADIK

... Petitioner

Versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

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Present: Mr. Mazlish Khan, Advocate,  
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

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**HARI PAL VERMA, J.** (Oral)

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

This is 2<sup>nd</sup> petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.133 dated 08.07.2018 registered under Section 365 IPC (challan presented under Sections 363, 366-A, 376(2), 120-B of IPC and Section 4 of POCSO Act) at Police Station Sanoli, District Panipat, during the pendency of trial.

The earlier petition i.e. **CRM-M-21644-2019** was dismissed by this Court vide order dated 16.01.2020.

Counsel for the petitioner submits that apart from the fact that the petitioner is in custody since 10.07.2018, the prosecutrix has not made any allegation against the petitioner in her statement recorded under Section 164 Cr.P.C. Even FSL report has been received and DNA does not match

with the petitioner though the prosecutrix was found pregnant and the fetus was aborted.

Learned State counsel does not dispute the custody.

I have heard learned counsel for the parties.

Noticing the fact that the petitioner is in custody since 10.07.2018 and DNA does not match with the petitioner coupled with the fact that the prosecutrix has not made any allegation against the petitioner in her statement recorded under Section 164 Cr.P.C., this Court deems it appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observations made hereinabove shall not be construed as an expression on the merits of the case and the trial court shall decide the case on the basis of available material.

**(HARI PAL VERMA)**  
**JUDGE**

05.02.2021  
sanjeev

Whether speaking/reasoned  
Whether Reportable:

Yes/No.  
Yes/No.