

101.

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

CRM-M-34814-2020

Date of Decision: 23.09.2021

(Heard through VC)

SATENDER ALIAS SATTU

.... Petitioner

Versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Akshay Kumar Jindal, Advocate,
for the petitioner.

Ms. Mahima Yashpal, DAG, Haryana.

Mr. Neeraj Yadav, Advocate,
for the complainant.

JAISHREE THAKUR.J (Oral)

This is a petition that has been filed under Section 438 read with Section 482 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.85, dated 14.10.2020, registered under Sections 376, 380, 506 of IPC, at Women Police Station Rewari, District Rewari.

The petitioner herein has pleaded that the complainant and the petitioner were known to each other. The petitioner herein came into contact with the complainant, who was a married woman with a minor child, and though they had developed relations, however no complaint was ever made by the complainant regarding the offence of rape.

Counsel for the petitioner would rely upon the annexures to contend that the complainant had attended the marriage of the petitioner and had even participated in the religious ceremony of the birth of the son of the petitioner. While praying for anticipatory bail, the petitioner has placed on record his DNA samples to counter the claim of the complainant that she had given birth to a daughter, fathered by the petitioner. The coordinate Bench had stayed the arrest of the petitioner herein by giving him a direction to give his DNA samples.

The matter is taken up today and the learned State counsel, on instructions from Sub Inspector Sushila, would argue that the DNA of the petitioner herein has matched with that baby girl born to the complainant.

Learned counsel appearing on behalf of the petitioner would urge that the allegations of rape cannot be substantiated by the fact that the complainant has given birth to a baby girl who is the daughter of the petitioner herein.

I have heard learned counsel for the parties and since the petitioner has already appeared before the Investigating Officer, deem it appropriate to allow anticipatory bail considering the fact that the Investigating Officer does not require him for any custodial interrogation.

Accordingly, the instant petition is allowed and the order dated 30.10.2020 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438 (2) Cr.P.C.

(JAISHREE THAKUR)
JUDGE

23.09.2021

sanjeev

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No