

**215 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-40591-2021(O&M)
Date of Decision: 01.10.2021
(Heard through VC)**

Sukhdev Singh @ Sukha

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Manu Loona, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C., for grant of regular bail to the petitioner in case FIR No.201 dated 11.06.2020 under Sections 376, 34 IPC (Section 376-D added later on), registered at Police Station Sadar Fazilka, District Fazilka.

Learned counsel for the petitioner prays for grant of regular bail to the petitioner by contending that he has been falsely implicated in the said matter. It is argued that the allegations against petitioner herein that he had forced himself upon the prosecutrix are falsified as DNA report made available on record would reflect that 'human semen' was not detected on vaginal swabs Exhibits A-1 and B-2. It is submitted that the matter has been investigated and challan stands presented and trial is likely to take some time to conclude, 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 the petitioner are serious in nature but is not in a position to dispute the fact that the investigation stands completed and challan has been presented.

I have heard counsel for the parties and have perused the case file.

Keeping in view the fact that the matter has been investigated and moreover, the DNA report also does not support the allegations of rape against the petitioner herein whereas the trial is likely to take time to conclude, no useful purpose would be served in keeping the petitioner behind bars any longer. Without commenting on the merits of the case, the instant petition is allowed and the petitioner is directed to be released on regular bail on his execution of personal/surety bonds to the satisfaction of concerned trial court/Duty Magistrate.

Anything observed hereinbefore shall not be construed as an observation on merits of the case and is limited only for the purpose of decision of the instant bail petition.

01.10.2021

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(JAISHREE THAKUR)

JUDGE

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No