

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

CRM-M-43382-2021(O&M)

Date of Decision: 26.10.2021

Dharminder Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Naveen Bawa, Advocate
for the petitioner.

Ms. Rashmi Attri, A.A.G., Punjab.

JAISHREE THAKUR, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.20 dated 18.01.2021, under Section 376 IPC and Sections 4 & 6 of POCSO Act registered at Police Station Salem Tabri, District Ludhiana.

Learned counsel for the petitioner while praying for grant of regular bail contended that he has been falsely implicated in the said FIR and has been in custody since 18.01.2021. It is argued that even though the statement of the prosecutrix has been recorded in which she has supported the allegations of rape but the scientific evidence available i.e. the DNA report would not support her contention. It is submitted that the trial is likely to take some time to conclude as there are total 18 witnesses cited and only 01 witness has been examined. It is submitted that as the prosecutrix herself has been examined, the likelihood of the petitioner herein influencing her testimony would not arise.

Learned counsel for the respondent-State opposes the grant of regular bail to the petitioner but not in a position to dispute the fact that the DNA report at the present moment does not support the contention that the prosecutrix had been raped.

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

Keeping in view the fact that out of 18 witnesses cited only one has been examined and the trial is likely to conclude in the near future, besides the facts as noticed above and without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing personal bonds in the sum of Rs.1,00,000/- with one surety in the like amount, to the satisfaction of trial Court/Duty Magistrate concerned.

Any observation made hereinbefore are purely for the purpose of deciding this bail application and shall not be constructed as observations on merits of the case.

26.10.2021

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(JAISHREE THAKUR)
JUDGE

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