

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M No.43809 of 2020 (O&M)
Date of Decision.05.04.2021
(Heard through VC)

Sandeep Kumar

...Petitioner

Vs

Union Territory, Chandigarh

...Respondent

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Munish Puri, Advocate
for the petitioner.

Mr. A.M. Punchhi, P.P. for U.T., Chandigarh.

:-

JAISHREE THAKUR J. (ORAL)

This is a petition that has been filed for grant of regular bail to the petitioner in case FIR No.323 dated 19.10.2019 under Section 376(3) IPC and Section 6 of the POCSO Act registered at Police Station Central Sector, District Chandigarh.

Learned counsel for the petitioner *inter alia* would contend that in fact both the petitioner, who was young boy himself and the prosecutrix were in a consensual relationship as has been admitted by her. It is argued that the prosecutrix and the material witnesses have already been examined and therefore, the petitioner would hardly be in a position to influence the prosecutrix.

Learned counsel appearing on behalf of the respondent-State opposes grant of bail to the petitioner by contending that there was a DNA test conducted of the aborted fetus, which matches DNA of the petitioner herein and therefore, the petitioner would not be able to escape his liability of having committed an offence upon the prosecutrix.

I have heard learned counsel for the parties and keeping in mind

the fact that the material witnesses have already been examined and the petitioner is in custody since 05.12.2019 and the trial is likely to take some time conclude, the instant petition is allowed and the petitioner herein is directed to be released on bail on execution of adequate personal/surety bond to the satisfaction of concerned trial Court/Duty Magistrate.

(JAISHREE THAKUR)
JUDGE

April 05, 2021
Pankaj*

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No