

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

**CRM-M-1082-2022
Date of Decision: 28.03.2022**

ASHU **... PETITIONER**
V/S
STATE OF HARYANA **... RESPONDENT**

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Rahul Jaswal, Advocate for the petitioner.

Mr. Vikas Bhardwaj, AAG Haryana.

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VIVEK PURI, J. (ORAL)

Custody certificate has been placed on record.

Petitioner has prayed for grant of regular bail in case bearing FIR No. 1026 dated 09.12.2020, under Section 363/366 IPC and later on offence under Section 365 IPC has been deleted and offence under Section 366A/342/376(2)(n) IPC has been added, registered at Police Station Model Town Panipat, District Panipat.

Briefly, the case has been registered on the statement of the brother of the prosecutrix alleging that the prosecutrix is aged about 21 years and on 06.12.2020, the petitioner had enticed her away on the pretext of marriage.

Learned counsel for the petitioner has contended that during the course of trial the prosecutrix and her brother have not supported the prosecution version. The DNA report indicates that comparison of the DNA profile could not be carried out due to less DNA contents.

Learned State counsel, on instructions of ASI Birender Singh,

has not disputed the aforesaid factual aspect of the case but has argued that

only two witnesses remain to be examined and the trial is at the fag end.

Be that as it may, it is significant to note that prosecutrix has not supported the prosecution version during the course of trial, whereas the DNA examination is also not conclusive to implicate the petitioner with the commission of crime, he is in custody for a period of 1 year, 2 months and 25 days and is not involved in any other case.

Keeping in view the aforesaid, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner.

Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

28.03.2022

Janki

(VIVEK PURI)
JUDGE

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