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

**CRM-M-2756-2022
Date of decision: 18.04.2022**

PARMOD

...Petitioner

VERSUS

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Rohit Kumar, Advocate
for the petitioner.

Mr. Tapan Kumar Yadav, DAG, Haryana.

JAISHREE THAKUR, J. (Oral)

This is the second petition filed under Section 439 Cr.P.C. for grant of regular bail in case FIR No.0586 dated 16.07.2020, under Sections 376, 380 and 452 of the IPC, registered at Police Station Old Industrial Panipat, District Panipat.

Learned counsel for the petitioner herein would contend false implication in the said matter as would be evident from the report of DNA matching. It is contended that even though the prosecutrix has supported her version, scientific evidence does not do so. The DNA profiling of the petitioner herein did not match with that of the semen on the vaginal swabs.

Learned State counsel would oppose grant of bail to the petitioner but does not dispute the factual position.

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

The DNA report does not support the allegations as set out in the FIR. The petitioner is in custody since 07.12.2020 and 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 the merits of the case, the instant petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail and surety bonds to the satisfaction of trial Court/Duty Magistrate concerned.

Anything observed or said by this Court in this order is only for the purpose of deciding the instant petition and the same shall have no effect on the merits of the case.

This Court vide order dated 14.02.2022, had asked the Advocate General, Haryana and the DGP concerned to look into the matter as to how the reports from the Forensic State Laboratory could be expedited. Today, a report by way of an affidavit of Sanjay Kumar, Inspector General of Police, Law and Order, Haryana, Panchkula dated 15.04.2022 has been filed in the Court. In the said report, it has been submitted that efforts are being made to expedite the reports as required by the Courts and in fact two Senior Scientific Officers (DNA Division) has been appointed vide order dated 30.03.2022, after receiving recommendation from Haryana Public Service Commission whereas sanction to fill up 53 posts of Group-C, Scientific Staff to be appointed in various divisions of FSL has been received. Requisition to fill up those posts would be sent to HSSC within a week. It is also submitted that there would be purchase of Autosomal STR Kits, Y-Chromosomal STR Kit, DNA Quantitation Kit and DNA Extraction Kit with total cost of Rs.495

lakh and that the proposal for sanction of additional posts of Assistant Director, Senior Scientific Officer, Senior Scientific Assistant and Scientific Assistant with the supporting staff on contractual basis in order to meet out the shortage of staff, is under process.

Learned State counsel on the basis of the affidavit submits that all the necessary steps would be taken to streamline the process of supplying reports to the Courts as sought for.

In view of the reply, no further order is called for , with the hope that there would be due compliance of the affidavit given.

18.04.2022
Chetan Thakur

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No