

233 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH
(through video conferencing)

CRM-M-3186-2022
Date of decision:31.01.2022

Raju Petitioner

Versus

State of Haryana Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Harsh Mehla, Advocate
for the petitioner.

Mr. Karan Sharma, DAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

Instant petition has been filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.271 dated 16.07.2021 lodged under Sections 363, 366-A IPC and Section 6 of POCSO Act, 2012 registered at Police Station Jagadhri City District Yamuna Nagar.

Learned counsel for the petitioner *inter alia* contends that false implication of the petitioner in the case in hand is evident not only from the fact that both the material witnesses i.e. prosecutrix and the complainant did not support the case of the prosecution during trial but even as per the FSL report, the DNA profile of the exhibits sent, did not match with that of the petitioner. He further submits that the petitioner has been in custody since 19.07.2021 and 10 prosecution witnesses remain to be examined, hence, further incarceration of the petitioner in the aforementioned circumstances would not serve any useful purpose. A prayer has, therefore, been made to extend the concession of bail to the petitioner.

Per contra, learned State counsel while opposing the prayer made by counsel opposite on instructions from ASI Poonam has not been able to controvert the submission made by the counsel opposite qua both the material witnesses i.e. prosecutrix and the complainant not supporting the case of the prosecution at the time of trial, as well as, there not being any corroborative evidence received from the FSL, Madhuban.

Heard learned counsel and perused the material available on record.

In the facts and circumstances as enumerated hereinabove, the present petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

31.01.2022
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(MANJARI NEHRU KAUL)
JUDGE

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