

206 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M--10463-2020
Date of Decision: 09.08.2022

AHMED SAHID

... PETITIONER

V/S

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Ms. Geeta Rani, Advocate for
Mr. Majlish Khan, Advocate for the petitioner.

Mr. Zorawar Singh Chauhan, DAG Haryana.

Mr. Arjun Attri, Advocate for the complainant.

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VIVEK PURI, J. (ORAL)

Petitioner is seeking anticipatory bail in case bearing FIR No. 112 dated 03.05.2019 under Sections 498-A, 323, 376-D, 341, 506 IPC, registered at City Women Police Station, District Nuh.

On 08.09.2021, following order was passed:

“On the last date of hearing, this Court had stayed the arrest of the petitioner by observing as follows:

“Learned counsel for the petitioner states that the petitioner is about 66 years of age and is father-in-law of the prosecutrix. The anticipatory bail of the petitioner was declined by learned Additional Sessions Judge, Nuh vide order dated 19.02.2020 on the premise that the FSL report in the case is positive. However, the prosecutrix being a married lady and mother of seven children, the FSL report being positive is not material, unless the DNA report substantiates the allegations. The DNA report is still awaited.”

Learned State counsel on instructions from LASI Manoj has apprised the Court that DNA report has been received and as per report, samples have not matched with that of the petitioner.

Adjourned to 14.12.2021.

Meanwhile, the petitioner is directed to join the investigation and appear before the investigating agency as and when called upon to do so. In the event of his arrest, he shall be

admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.PC. ”

Status report by way of affidavit of Mamta Kharab, Deputy Superintendent of Police, Nuh along with the report of FSL and DNA is also placed on record.

Learned counsel for the petitioner contends that in pursuance of the interim directions issued by this Court the petitioner has joined the investigation, he is 66 years old and father-in-law of the prosecutrix. Moreover, as per the report of DNA analysis, seminal stains on the clothes of the prosecutrix do not match with the DNA profile of the petitioner.

Learned State counsel, on instructions of SI Vinita has not assailed the aforesaid factual aspect of the case and has further stated that the custodial interrogation of the petitioner is not required.

In these set of circumstances, sufficient exceptional circumstances are made out to extend the concession of pre-arrest bail to the petitioner. The order dated 08.09.2021 is made absolute.

The petition stands allowed.

09.08.2022

Janki

(VIVEK PURI)
JUDGE

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