

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

217

CRM-M-29082-2021

Date of Decision: 21.01.2022

SAHIL SAINI

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Ms. Monika Jangra, Advocate for the petitioner.

Ms. Mahima Yashpal, DAG, Haryana.

SUVIR SEHGAL, J.(ORAL)

Heard through video conferencing.

This is the third petition filed by the petitioner under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.06, dated 16.01.2020 registered for offences under Sections 18, 04, 08 of Protection of Children from Sexual Offences Act, 2012, and Section 342 of IPC, 1860, at Police Station Women, District Kurukshetra.

Custody certificate dated 20.01.2022 has been filed by the State, which is taken on record.

Counsel for the petitioner submits that the petition has become infructuous as the petitioner has been convicted.

Dismissed as having been rendered infructuous.

This Court had passed the following order on 16.09.2021:-

“This is the third bail application filed by the petitioner, which is opposed by learned State counsel by contending that the prosecutrix in her statement has supported the allegations of rape. However, the DNA report is still awaited.

This Court fails to understand as to why the DNA report is not made available till now.

This would show tardiness of the prosecution, which is not acceptable. The DNA report is one of the factors that is always taken into consideration, while coming to a conclusion whether the offences of rape has been committed or not. Invariably, this Court has found that the DNA is not made available by the laboratories within a reasonable time frame and no explanation comes forth.

Let a copy of this order be sent to DGP Haryana/ Director, Forensic Science Laboratory for looking into the matter and trying to find a solution and for framing guidelines/timeline for expediting such reports so that the trial is not held up and regular bail applications of the accused can be decided expeditiously. The State may also consider increasing the facilities with equipments required for DNA analysis and enhance the technical experts, if so required.

Adjourned to 20.01.2022.”

State counsel seeks and is granted more time to file an affidavit in compliance of the said order.

List on 29.03.2022.

21.01.2022
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No