

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 214

CRM-M-36624-2022

Date of decision : 27.09.2022

Kartik

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Wazir Singh, Advocate, for the petitioner.

Ms.Sheenu Sura, DAG, Haryana.

DEEPAK SIBAL, J. (ORAL)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.608 dated 02.12.2021 registered under Section 365 IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012 at Police Station Kurukshetra University, Kurukshetra.

The petitioner is being prosecuted for having raped the complainant's minor daughter.

Learned counsel for the petitioner contends that the petitioner is a 19 year old boy; he does not have any other criminal antecedents; he is in custody since 05.12.2021; all material prosecution witnesses stand examined in the petitioner's trial; the prosecutrix while appearing before the Trial Court has absolved the petitioner of all accusations by stating that he did not do any wrong act with her; according to the FSL report no human semen has been detected on any of the exhibits of the prosecutrix which were sent for forensic examination and that since 12 prosecution witnesses still remain to be examined in the petitioner's trial, the same will take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner has raped a minor girl and that if released on bail he may influence his trial.

The petitioner is a 19 year old boy; he does not have any other criminal antecedents; he is in custody since 05.12.2021; all material prosecution witnesses stand already examined in the petitioner's trial; the prosecutrix while appearing before the Trial Court has absolved the petitioner of all accusations against him; the FSL has not found any human semen on any of the exhibits of the prosecutrix which were sent for forensic examination and that since 12 prosecution witnesses still remain to be examined in the petitioner's trial, the same is likely to take a long time to conclude.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Kurukshetra, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

27.09.2022
shamsher

[DEEPAK SIBAL]
JUDGE

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