

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

Sr. No.282

CRM-M-38243-2022

Date of decision: 13.09.2022

Virk @ Bira @ Birak

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Kamil Nagpal, Advocate and
Mr. Amit Bansal, Advocate
for the petitioner.

Mr. Karan Sharma, DAG, Haryana.

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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.60 dated 27.01.2021 registered under Sections 363, 366(A), 376(3), 34 IPC and Sections 4 and 12 of the Protection of Children from Sexual Offences Act, 2012 at Police Station Sadar Karnal.

The petitioner is being prosecuted for having kidnapped and raped a minor girl.

Learned counsel for the petitioner submits that the petitioner, who is a 19 year old boy, has been falsely implicated in this case; the petitioner has no other criminal case pending against him; the petitioner is in custody since 11.02.2021; the alleged victim already stands examined in the petitioner's trial; during the course of her examination, the alleged victim has absolved the petitioner of all offences he is accused of; in the medico legal report, no injury has been found on the alleged victim's person; in the FSL report, no semen has been detected on any of the exhibits of the alleged victim which were sent for examination and that since in the petitioner's trial 19 prosecution witnesses still remain to be examined, 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 kidnapped and raped a minor girl.

The alleged victim while appearing before the Trial Court has absolved the petitioner of all charges framed against him; the petitioner is a 19 year old boy with no criminal antecedents; in the petitioner's trial not only the investigation is complete but the alleged victim also stands examined; the petitioner is in custody for the last over 01 year and 07 months; no injury has been found on the alleged victim's person; in the FSL report, no semen has been detected on any of the exhibits of the alleged victim which were sent for examination and that since in the petitioner's trial 19 prosecution witnesses still remain to be examined, the same is likely to take a long time to conclude.

Keeping in view the totality of the above facts, 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, Karnal, 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.

September 13, 2022
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(DEEPAK SIBAL)
JUDGE

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