

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****214****CRM-M No.29867 of 2023****Date of Decision : 13.09.2023**

Arun

....Petitioner

VERSUS

State of Haryana

....Respondent

**CORAM : HON'BLE MRS. JUSTICE ALKA SARIN**

Present : Mr. Manu Sacheva, Advocate for the petitioner.

Ms. Mayuri Lakhanpal Kalia, DAG Haryana.

**ALKA SARIN, J. (Oral)**

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.420 dated 17.07.2022 under Section 6 of the Protection of Children from Sexual Offences Act, 2012; Section 84 of Juvenile Justice (Care and Protection of Children) Act, 2015 and Sections 328, 363, 376(2)(n) and 376(3) of the Indian Penal Code, 1860 registered at Police Station Gannaur, District Sonipat.

2. Learned counsel for the petitioner would contend that the petitioner has been in custody for a period of 01 year 01 month and 10 days. It is further the contention that the victim and the complainant both have not supported the case of the prosecution. Infact, the victim in her statement has stated that no wrong act was committed with her and that she had gone with the petitioner with her own free will to Himachal Pradesh. Learned counsel

for the petitioner has also pointed out that even the DNA Report is negative *qua* the petitioner.

3. Learned State counsel has filed the status report by way of affidavit of Mr. Gorakh Pal, HPS, Assistant Commissioner of Police, Ganaur, Sonipat as well as the custody certificate of the petitioner. Registry to scan the same and tag at the appropriate place. Learned State counsel has referred to the DNA Report, which has been appended with the status report as Annexure R-4, wherein it has been stated that the DNA profile has not matched with the petitioner herein.

4. I have heard learned counsel for the parties.

5. The petitioner in the present case has been in custody for a period of 01 year 01 month and 10 days. Both the victim as well as the complainant have not supported the case of the prosecution. The DNA Report has also been received as per which the DNA has not matched with the profile sample of the petitioner herein.

6. In view of the above and without commenting upon the merits of the case, I deem it to be a fit case to grant the concession of regular bail to the petitioner. The petitioner is directed to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the Trial Court/Additional Sessions Judge (Duty) concerned.

7. However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

8. It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

9. Disposed off. Pending applications, if any, also stand disposed off.

13.09.2023  
jk

( ALKA SARIN )  
JUDGE

NOTE: Whether speaking/non-speaking: Speaking  
Whether reportable: YES/NO