

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

219

CRM-M-49698-2022

Date of Decision: 25.05.2023

Aadil Khan

...Petitioner

Versus

State of Haryana and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Jaspreet Singh Brar, Advocate for the petitione

Ms. Dimple Jain, AAG, Haryana
(assisted by SI Sumesh Pal)

Mr. Balraj Gujjar, Advocate for respondent No.2

JAGMOHAN BANSAL, J. (ORAL)

1. On 03.11.2022, the following order was passed:-

“Instant petition has been filed under Section 438, Cr.P.C., for grant of anticipatory bail in FIR No.0374 dated 07.10.2022, registered for offence under Section 376 (2) (n) of the Indian Penal Code, 1860, at Police Station Bilaspur, District Yamuna Nagar, Annexure P-1.

Statement of the prosecutrix recorded under Section 164, Cr.P.C., has been produced by SI, Satish Kumar, Police Station Bilaspur, District Yamuna Nagar. Same has been perused and is ordered to be returned back.

Issue notice to the respondents returnable on 20.12.2022.

In the meanwhile, no coercive action shall be taken against the petitioner till the next date.”

2. During the course of hearing on 28.04.2023, learned State counsel submitted that in the absence of blood samples of petitioner, DNA profile cannot not be obtained.

The petitioner was directed to appear before Investigating Officer on 06.05.2023 to give blood samples for conclusion of investigation.

3. Learned State counsel confirms that petitioner in compliance of order dated 28.04.2023 of this Court appeared before the Investigating Officer and gave blood samples, however, FSL report is still awaited.

4. Considering the fact that petitioner and prosecutrix are major and report of FSL is still awaited, the present petition is allowed and the interim protection granted to the petitioner vide order dated 03.11.2022 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C.

5. It is made clear that petitioner shall appear before the Investigating Officer as and when summoned through notice under Section 160 Cr.P.C and cooperate the Investigating Officer. It is further made clear that Investigating Officer shall be at liberty to move appropriate application seeking cancellation of bail if adverse report is received.

The respondent-State shall make sincere efforts to get the FSL report at the earliest.

6. If the petitioner or his family members/associates make any attempt to threat/intimidate the witnesses in the present case, the State

would be at liberty to move an application for cancellation of bail granted by this order.

7. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and Trial Court shall proceed without being prejudiced by observations of this Court.

(JAGMOHAN BANSAL)
JUDGE

25.05.2023
Mohit Kumar

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>