



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

221 CRM-M-16212-2024 (O&M)
Date of Decision : 09.05.2024

SACHIN KUMAR Petitioner

VERSUS

STATE OF HARYANA Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Ms. Kamlesh, Advocate for the petitioner.
Mr. Saurabh Girdhar, AAG Haryana for the respondent.

ALKA SARIN, J. (ORAL)

1. The present 4th 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.289 dated 12.11.2022 under Section 506 of the Indian Penal Code, 1860 and Section 6 of Protection of Children from Sexual Offences Act, 2012 registered at Police Station Sector-17/18, District Gurugram. The first three petitions being CRM-M-11301-2023, CRM-M-36677-2023 and CRM-M-12086-2024 were dismissed as withdrawn vide orders dated 13.03.2023, 20.09.2023 and 20.03.2024 respectively.
2. Learned counsel for the petitioner would contend that the petitioner has falsely been implicated in the present case. Learned counsel would further contend that all the material witnesses including the prosecutrix herself and her mother (the complainant herein) have since been examined and they have not supported the prosecution version. It is further



the contention that in the DNA Report the sample has not matched with that of the petitioner. It is further the contention that the petitioner has been in custody for a period of 1 year 5 months and 26 days and that the petitioner has absolutely clean antecedents.

3. Learned counsel for the State has filed the reply by way of an affidavit dated 01.05.2024 of Naveen Sharma, HPS, Assistant Commissioner of Police, Udyog, Gurrgram. The same is taken on record. In the affidavit it has specifically been stated that the victim and her parents have not supported the prosecution version and accordingly they have been declared hostile. Learned counsel for the State would contend that the medical examination supported the case of the prosecution. However, learned counsel for the State is not in a position to deny the fact that the DNA has not matched with the sample of the petitioner herein. Custody certificate has also been filed and as per the custody certificate, the petitioner has been in custody for a period of 1 year, 5 months and 26 days.

4. Heard.

5. In the present case the prosecutrix and her mother (the complainant herein) have since been examined and they have not supported the prosecution version and have been declared hostile. As per the DNA Report, sample has not matched with that of the petitioner. The petitioner has been in custody for a period of 1 year 5 months and 26 days. The trial is likely to take some time to conclude and no useful purpose would be served



by keeping the petitioner behind the bars any further.

6. In view of the above and without commenting upon the merits of the case, this Court deems 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 bonds/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.

09.05.2024 (ALKA SARIN)
Aman Jain JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: Yes/No