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2024 : PHHC : 031435

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-59611-2023

DATE OF DECISION : 05.03.2024

SAMI ALIAS REHAN

... PETITIONER

V/S

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Parveen Sharma, Advocate for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana.

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HARPREET KAUR JEEWAN, J. (ORAL)

1. The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No. 248 dated 04.05.2023 registered under Sections 376(3), 506 IPC and Section 4 of Protection of Children from Sexual Offences Act at Police Station Sector 27, District Sonipat.

2. Learned counsel for the petitioner contends that the final report under Section 173 Cr.P.C. has been presented before the learned trial Court. The statements of the material witnesses at Annexures P-2, P-3 and P-4 have been recorded but none has supported the prosecution case. Even the Forensic Science Laboratory report does not find any incriminating evidence against the petitioner.

3. Learned State counsel has filed the custody certificate indicating that the petitioner is in custody for the last 10 months. Learned State counsel has also submitted the copy of Forensic Science Laboratory

report dated 26.05.2023. The same is taken on record, as per which human

semen has not been detected on the exhibits related to the victim.

4. Keeping in view the aforesaid circumstances and considering the fact that final report under Section 173 Cr.P.C. is presented; statement of material witnesses have already been recorded; they have not supported the prosecution case; conclusion of trial is going to take time, therefore, without expressing any opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing adequate bonds/surety to the satisfaction of the trial Court/Chief Judicial Magistrate, concerned.

05.03.2024

Janki

**(HARPREET KAUR JEEWAN)
JUDGE**

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