

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

**CRM M-No.16096 of 2015
Date of decision:25.05.2015**

Bijender

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

1. To be referred to the Reporters or not ?
2. Whether the judgment should be reported in the Digest ?

Present: Mr. Ashit Malik, Advocate for the petitioner.

RAMESHWAR SINGH MALIK, J. (Oral)

Petitioner seeks bail pending trial in FIR No.431 dated 9.10.2014 under Sections 328, 346, 363, 366, 376-D IPC registered at Police Station Madlauda, Distt. Panipat.

Notice to the Advocate General, Haryana.

On the asking of the court, Mr. Ashish Yadav, Addl. A.G., Haryana, accepts notice.

Learned counsel for the petitioner places reliance on the statements of prosecutrix, her father, her mother as well as her brother, placed on record as Annexures P-2 to P-5, to contend that all of them have turned hostile and did not support the prosecution version. In this view of the matter, he submits that the petitioner is entitled for the concession of bail pending trial. He prays for allowing the present petition.

Learned counsel for the State, on instructions from ASI Satpal

Singh, Police Station Matlauda, Diustt. Panipat, submits that although the

statement made by the learned counsel for the petitioner is based on record, yet he is not entitled for the concession of bail pending trial, as he was found involved in a serious offence. Learned counsel for the State despite his best efforts could not distinguish the present case from the earlier one i.e. CrI.Misc.No.M-13276 of 2015. He prays for dismissal of the petition.

After hearing the learned counsel for the parties at considerable length and perusal of the record of the case, particularly statements made by the prosecutrix, her father, her mother and her brother, Annexures P-2 to P-5, this court is of the considered opinion that the petitioner deserves the concession of bail pending trial. It is so said, because the prosecutrix has not supported the prosecution case. Similarly, author of the FIR, his wife and son have also not supported the prosecution version.

Without commenting anything further on the merits of the case, lest it should prejudice the rights of either of the parties, present petition is allowed. Petitioner is directed to be released on bail pending trial subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of learned trial court/Duty Magistrate.

Disposed of, accordingly.

25.05.2015
GS

(RAMESHWAR SINGH MALIK)
JUDGE