

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

CRM-M-26441 of 2015 (O&M)

Date of Decision: 14.08.2015

Luv @ Love @ Monu

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. Jitender Dhanda, Advocate,
for petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

SHEKHER DHAWAN, J (Oral)

The petitioner is seeking regular bail in FIR No.29 dated 23.02.2015, under Sections 323, 34, 363, 506, 376-D IPC and Section 3(XI) of SC and ST Act and Section 4 of POCSO Act, registered at Police Station Uklana, District Hisar.

The allegations against the petitioner are that on 23.02.2015 petitioner along with Virender and one other boy were standing outside her house and they forcefully taken her in Alto car while gagging her mouth and she was taken to fields of Virender. When she tried to raise alarm they assaulted her with 'danda' and she became unconcious. Thereafter she was thrown on the road.

Learned counsel for the petitioner took the plea that there are two material witnesses in this case i.e. prosecutrix herself who was examined as PW-1 and father of prosecutrix, who was examined as PW-2. Both these witnesses have not supported the prosecution case and turned hostile. Except both of them there is no other material witness in the case and trial of case still to take more time and petitioner be released on bail.

Learned State Counsel took the plea that report of DNA is still awaited and petitioner does not deserve the concession of bail.

I have heard the learned counsel for the parties.

The prosecutrix was examined by the trial Court as PW-1 and her father was also examined as PW-2 and both of them are the material witnesses in the case who have not supported the prosecution case. The decision of case still to take some more time.

In view of the above the petition is allowed. The petitioner shall be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of the trial Court.

(SHEKHER DHAWAN)
JUDGE

August 14, 2015

msd