

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

**CRM-M No. 32544 of 2015 (O&M)
Date of Decision: 28.09.2015**

Rohtash

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Keshav Pratap Singh, Advocate
for the petitioner.

Mr. M.S. Sidhu, Addl. A.G., Haryana
for the respondent/State alongwith HC Nepal Singh.

JASWANT SINGH, J. (ORAL)

Prayer is for grant of regular bail on behalf of the petitioner in case FIR No. 130 dated 01.03.2015 for the offences punishable under Sections 376 and 452 of the Indian Penal Code, registered at Police Station Sadar Palwal, District Palwal.

As per allegations in the FIR, lodged by the prosecutrix-Nitu, on 28.02.2015 at around 7.30 p.m., she was lying on a cot in her house, when an unidentified boy entered the house and committed rape on her.

Learned Counsel for the petitioner submits that the prosecutrix had not recorded her statement under Section 164 Cr.P.C. during the investigation and all the material witnesses including the prosecutrix have turned hostile. He further submits that the petitioner is in custody since 01.03.2015.

Learned State Counsel, on instructions from HC Nepal Singh, is unable to controvert the fact that all the material witnesses have turned hostile.

Without commenting on the merits of the case, keeping in view the custody period and the fact that material witnesses have turned hostile, no useful purpose would be served by keeping the petitioner in custody, the present petition is allowed and the petitioner is ordered to be released on bail subject to satisfaction of CJM/Duty Magistrate, Palwal.

Disposed of.

September 28, 2015

'dk kamra'

**(JASWANT SINGH)
JUDGE**