

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

Crl. Misc. M-30772 of 2018 (O&M)
Date of Decision: July 27, 2018

Shamsher

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Robin Singh Hooda, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, AAG Haryana.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.224 dated 03.06.2017, under Sections 363, 366-A of Indian Penal Code, registered at Police Station Police Line Sonapat, District Sonapat.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 28.07.2017. It is submitted that the statement of the prosecutrix has been recorded, in which she has not supported the case as set up by the prosecution and has been declared hostile. It is also contended that out of total 08 witnesses, 02 witnesses have been examined, including the prosecutrix and conclusion of trial will take sufficient time, therefore, the petitioner is entitled to be

enlarged on bail.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from Investigating Officer opposes the grant of regular bail to the petitioner, while submitting that the offences alleged the petitioner are serious in nature. However, does not dispute the fact that the prosecutrix has turned hostile.

I have heard learned counsel for the parties.

Since, the trial is likely to take some time and in view of the facts that the petitioner herein has been in custody since 28.07.2017 and that the prosecutrix has turned hostile and did not support the prosecution version, no useful purpose would be served in keeping the petitioner behind bars. At this stage, without commenting on the merits of the case, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate.

July 27, 2018

vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No