

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

Crl. Misc. M-34374 of 2018 (O&M)
Date of Decision: August 29, 2018

Anil @ Kala

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Abhishek Sindhvani, Advocate
for the petitioner.

Mr. P.P. Chahar, DAG 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.106 dated 13.09.2017, under Sections 376-D, 354, 120-B of Indian Penal Code and Section 6 of POCSO Act, registered at Police Station Women, Jind.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 13.09.2017. It is submitted that the allegations set out in the FIR are palpably false, while arguing that the statement of the prosecutrix and her mother have since been recorded, in which they have not supported the version of the prosecution and turned hostile. It is also submitted that 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 the Investigating Officer opposes the grant of regular bail to the petitioner, however, does not dispute the fact that the prosecutrix and her mother have turned hostile and did not support the prosecution version.

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 13.09.2017 and that the prosecutrix and her mother have since been examined 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.

August 29, 2018

vijay saini

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No