

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

Crl. Misc. M-35333 of 2018 (O&M)
Date of Decision: August 21, 2018

Mohit and another

...Petitioners

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Akash Vashisth, Advocate
for the petitioners.

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 petitioners in case FIR No.336 dated 22.09.2017, under Sections 120-B, 376 of Indian Penal Code and Section 6 of POCSO Act (charge-sheeted under Section 376-D, 120-B of Indian Penal Code and Section 6 of POCSO Act), registered at Police Station Sadar Gohana, District Sonapat.

Learned counsel for the petitioners contends that the petitioners herein were taken into custody in the aforesaid FIR on 23.09.2017. It is submitted that the petitioners have been falsely implicated in the present case. It is argued that out of total 17 witnesses, the material witness i.e. the prosecutrix has been examined and she has turned hostile and did not support the prosecution version. It is also contended that the conclusion of

trial will take sufficient time, therefore, the petitioners are 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 petitioners, 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 petitioners herein have been in custody since 23.09.2017 and that the prosecutrix has turned hostile and did not support the prosecution version, no useful purpose would be served in keeping the petitioners behind bar. At this stage, without commenting on the merits of the case, the instant petition is allowed and the petitioners are 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 21, 2018

vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No