

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

Crl. Misc.M-37412-2018 (O&M)

Date of Decision: September 07, 2018

Satpal

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Yashveer Kharb, 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.436 dated 15.11.2017 under Sections 328, 365, 506 of Indian Penal Code, Section 8 and 12 of POCSO Act and Section 3 of SC & ST Act, however charges were framed under Section 376 of IPC and Section 3 of SC & ST Act registered at Police Station Matlauda, District Panipat.

Learned counsel for the petitioner submits that before recording of the statement, the prosecutrix expired in July 2018 and thereafter both the material witnesses i.e. the parents of the victim did not support the case. He further contends that the petitioner herein was taken into custody in the aforesaid FIR on 16.11.2017. It is also contended that since the prosecutrix

have expired and the material witnesses have not supported the version of the prosecution and that the 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, oppose the grant of regular bail to the petitioner, while submitting that offences alleged against the petitioner are serious in nature, however, he does not dispute the fact that the prosecutrix have expired and the material witnesses have not supported the version of the prosecution.

I have heard learned counsel for the parties.

Since, the trial is likely to take some time and in view of the facts that that the petitioner herein has been in custody since 16.11.2017 and that the complainant have expired and the material witnesses have not supported the version of the prosecution and out of total 13 witnesses, 04 have been examined, no useful purpose would be served in keeping the petitioner behind bars. At this stage, without expressing any opinion 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.

September 07, 2018

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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No