

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

Crl. Misc. No.41678 of 2018 in/and  
Crl. Misc. M-40411 of 2018 (O&M)  
Date of Decision: December 05, 2018

Bajjnath

...Petitioner

Versus

State of Haryana

...Respondent

**CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR**

Present:- Mr. Kamal Chaudhary, Advocate  
for the applicant-petitioner.

Ms. Gaganpreet Kaur, AAG Haryana.

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**JAISHREE THAKUR, J. (Oral)**

**CRM-41678-2018**

This is an application for preponing the hearing of the main case (CRM-M-40411 of 2018), which is listed for 23.01.2019.

For the reasons mentioned in the application, the same is allowed and the main case is taken up for hearing today.

**CRM-M-40411 of 2018**

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.34 dated 13.07.2018, under Sections 363, 376(2)(i) of Indian Penal Code and Section 6 of POCSO Act, registered at Police Station NIT Faridabad, District Faridabad.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 13.07.2018. It is submitted that statement of the prosecutrix has been recorded by the trial court, in which she has turned hostile and did not support the prosecution version. It is also contended 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, she 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 13.07.2018 and that during her statement, 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.

**December 05, 2018**

*vijay saini*

**(JAISHREE THAKUR)**  
**JUDGE**

Whether speaking/reasoned  
Whether reportable

Yes/No  
Yes/No