

**247 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-45561-2018
Date of decision:29.11.2018**

Bijender

.....Petitioner

versus

State of Haryana

....Respondent

CORAM: Hon'ble Mr. Justice Kuldip Singh

Present: Mr. Amit Arora, Advocate
for the petitioner.

Mr. Nishehal Mann, DAG, Haryana.

Kuldip Singh, J. (Oral)

The petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in FIR No.516 dated 21.08.2016 under Sections 323, 342, 367, 377, 506 & 511 of Indian Penal Code and Section 4 of Protection of Children from Sexual Offence Act, 2012, registered at Police Station Bhiwani Sadar, District Bhiwani (Annexure P-1).

Heard.

Accused was arrested on 24.08.2016 and he is in custody since then. In this case, challan was presented and out of 18 witnesses, 12 witnesses have been examined. Allegations against the accused are that un-natural sex was sought to be committed with the complainant. Complainant is examined as PW-8 and he turned hostile and did not

identify the accused. Though he stated that one person had tried to commit the said offence with him. Even in the cross-examination, he asserted that accused has not committed the crime with him. Santromother of the victim was examined as PW-9 and she also turned hostile.

In this way, as victim turned hostile and prosecution case has become very weak, there is no justification for further detention of the petitioner.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing personal bonds in the sum of Rs.50,000/- with one surety of the like amount to the satisfaction of the trial Court, subject to the following conditions:-

- (1) Petitioner shall surrender his passport before the trial Court, if any, and shall not leave the country without prior intimation to the Court;
- (2) Petitioner shall not directly or indirectly give any inducement or threat or promise to any witness and
- (3) Petitioner shall attend the Court on each and every date of hearing before the trial Court and in case of his absence, trial Court shall be competent to cancel his bail.

Accordingly, the petition stands allowed.

(KULDIP SINGH)
JUDGE

29.11.2018

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Whether speaking/ reasoned:

Yes

Whether Reportable:

No