

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

**Criminal Misc. No.M-9728 of 2018(O&M)**  
**Date of Decision: May 03, 2018.**

Wazir Singh

Petitioner

**Versus**

State of Haryana

Respondent

**CORAM:- HON'BLE MRS.JUSTICE LISA GILL**

Present: Mr.Mandeep Sehra, Advocate  
for the petitioner.

Mr. Anmol Malik, AAG., Haryana.

Mr. Ankit Bishoni, Advocate  
for the complainant.

\*\*\*\*\*

**LISA GILL, J.**

**CRM-15871 of 2018.**

Annexure P-7, is taken on record subject to just exceptions.

Exemption in filing certified copy thereof, is granted.

Application is disposed of.

**CRM-M-9728 of 2018.**

Petitioner seeks the concession of bail pending trial in FIR No.4 dated 06.01.2018, under Section 376 IPC, registered at Police Station Murthal, Sonapat.

It is submitted that the petitioner has been falsely implicated in this case and this is corroborated by the fact that the prosecutrix/complainant has not

supported the prosecution case while deposing before the learned trial Court on 24.04.2018. Copy of her statement is attached as Annexure P-7 with this petition. The complainant specifically stated that the petitioner never committed rape upon her at any point of time and she had gone to the place of occurrence on 06.01.2018 alongwith one of her friends. The prosecutrix was declared hostile. It is thus prayed that this petition be allowed.

Learned counsel for the State as well as the complainant are unable to deny that the prosecutrix has not supported the prosecution case and has been declared hostile. It is verified by learned counsel for the State on instructions from ASI Manisha that the petitioner is not involved in any other criminal case. Seventeen (17) prosecution witnesses are yet to be examined.

There are no allegations on behalf of the State that the petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts before the Court, if released on bail. Trial in this case is not likely to conclude in the near future. No useful purpose would be served by keeping the petitioner incarcerated any longer in the facts and circumstances of this case.

Keeping in view the facts and circumstances of the case but without commenting upon or expressing any opinion on the merits thereof, this petition filed by Wazir Singh, is allowed. Petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety to the satisfaction of the learned Trial Court.

Petitioner shall not attempt to contact the victim or any of her family members/witnesses in any manner directly or indirectly. Any such infraction shall entail cancellation of bail afforded to him.

It is clarified that none of the observations made hereinabove shall

be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

03.05.2018

s.khan

[LISA GILL]

Judge

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.