

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

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**CRM-M No.2143 of 2019.
Date of Decision: 18.03.2019.**

Dixit

....Petitioner.

Versus

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. Raman Chawla, Advocate, for the petitioner.

Mr. Vikramjit Singh, Additional Advocate General, Haryana.

Shekher Dhawan, J.

Present petition under Section 439 of the Criminal Procedure Code has been filed for grant of regular bail to the petitioner in case F.I.R. No.219 dated 12.08.2018 under Sections 323, 377, 452, 506 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, 2012, registered at Police Station Bawani Khera, District Bhiwani.

Learned counsel representing the petitioner contended that the petitioner is in custody since 13.08.2018 and has been falsely implicated in the case. Moreso, at the trial stage, complainant-victim as well his father have been examined as PW5 and PW6 respectively, but none of them has supported the prosecution case and they were declared hostile witnesses. Trial of the case still to take some more time, no useful purpose would be served by detaining the petitioner behind the bar, so he be released on bail.

Learned State counsel opposed the prayer for bail on the ground that allegations against the petitioner are serious in nature and remaining witnesses are yet to be examined, so the present petition be dismissed.

At this stage, without commenting anything on the merits of the case, which may not cause prejudice to any of the party and taking into consideration the fact that the petitioner is in custody since 13.08.2018 and the fact that PW5 Rohit (complainant-victim) as well as PW6 Chhaju Ram have not supported the prosecution case; trial of the case still to take some more time and no useful purpose would be served by detaining the petitioner behind the bar any more, the present petition is allowed. Petitioner-Dixit is ordered to be admitted to regular bail on his furnishing adequate bail bond and surety bond to the satisfaction of concerned learned trial Judge/ Chief Judicial Magistrate/ Duty Magistrate.

(SHEKHER DHAWAN)
JUDGE

18.03.2019
jitender

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No