

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

225

CRM-M-4448-2019

Date of Decision:05.02.2019

Kuldeep @ Sitiya Jagmohan

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

**Present: Mr. Sandeep Saini, Advocate,
for the petitioner.**

Ms. Priyanka Sadar, A.A.G., Haryana.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.194 dated 15.10.2018 under Sections 376, 452, 511 IPC, registered at Police Station Behal, District Bhiwani.

Learned counsel for the petitioner states that the petitioner is in custody since 16.10.2018 and the allegation against the petitioner is that he has tried to commit rape, but in fact no rape was committed. Even otherwise, the complainant has been declared hostile and has not supported the case of the prosecution.

Learned State Counsel on instructions from HC Sandeep does not dispute the aforesaid facts.

I have heard learned counsel for the parties.

As against total 09 witnesses cited by the prosecution, only 04 witnesses have been examined so far and the main witness i.e. the prosecutrix has not supported the case of the prosecution and has been

declared hostile, chances of conviction are bleak.

Without observing anything on merits of case, considering the fact that the petitioner is in custody since 16.10.2018 and the prosecutrix has not supported the case of the prosecution and has been declared hostile and trial in the case will take sufficient long time, this Court deems it appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of trial Court.

It is made clear that the petitioner shall not extend any threat and shall not try to influence any prosecution witnesses in any manner directly or indirectly.

February 05, 2019
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No