

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

224

CRM-M-4423-2019

Date of Decision:05.02.2019

Sandeep

.....Petitioner

Versus

State of Haryana

.....Respondent

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

**Present: Mr. Rajesh Dhankhar, 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.214 dated 12.05.2018 under Sections 342, 363, 366, 376(2)(n), 201, 506 IPC, registered at Police Station Tosham, District Bhiwani.

Learned counsel for the petitioner states that initially, the FIR was registered by the complainant-mother of the prosecutrix, regarding missing of the victim. However, in the aforesaid FIR, the prosecutrix appeared before the police and made a statement on the basis of which, the police prepared a cancellation report dated 26.05.2018. Again on 16.07.2018, the prosecutrix made a complaint to the police with the allegations of rape, taking nude picture and blackmailing her by the petitioner, who was working as Compounder with the Dalal Hospital, Tosham. Thereafter, the prosecutrix had appeared before the Magistrate and got her statement recorded under Section 164 Cr.P.C., supporting the case of the prosecution.

of the prosecutrix, PW6 and contends that during her evidence, she has not supported the case of the prosecution and accordingly, she has been declared hostile.

Learned State Counsel on instructions from ASI Gauri Shankar states that the prosecutrix in her statement under Section 164 Cr.P.C. has supported the case of the prosecution and on the basis of which, it is clear that the allegations against the petitioner are serious.

Heard learned counsel for the parties.

As against total 17 witnesses cited by the prosecution, only 07 witnesses have been examined so far and the main witness i.e. the prosecutrix(PW6) has not supported the case of the prosecution and rather declared hostile.

Considering the fact that the petitioner is in custody since 05.08.2018 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