

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

CRM-M-16953 of 2019.
Decided on:- 11.09.2019.

Naveen Thakur.

.....Petitioner.

Versus

State of Haryana

.....Respondent.

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

Present:- Mr. Keshav Pratap Singh, Advocate
for the petitioner.

Ms.Priyanka Sadar, AAG, Haryana.

HARI PAL VERMA, J. (Oral)

Petitioner Naveen Thakur has filed present petition under Section 439 Cr.P.C. for grant of regular bail in FIR No.69 dated 28.09.2018 under Sections 328, 376, 420, 467, 468, 471 IPC, registered at Police Station Panchkula, District Panchkula.

Learned counsel for the petitioner has argued that the aforesaid FIR was registered on the basis of statement made by the complainant who happens to be the father of the victim. He has argued that petitioner is in custody since 03.10.2018 and apart from the fact that the prosecutrix has refused to undergo medical examination, she has been examined in the case on 07.09.2019 and has been declared hostile. As such she has not supported the case of prosecution. He further states that in her statement under Section

for her and after taking the cold drink, she started feeling dizziness. Initially she thought as if the headache is on account of tiredness. Therefore, she laid on the bed. The petitioner allegedly clicked her indecent pictures during night hours, and these pictures were shown to her and she was threatened that in case she dares to disclose the matter to any body, he will disclose about the photographs. He further submits that during the course of investigation the mobile of the petitioner was taken into possession and no such incriminating photographs were found from this mobile.

Learned State counsel does not dispute the custody and fairly states that the prosecutrix has not supported the case of the prosecution.

I have heard learned counsel for the parties.

The petitioner is in custody since 03.10.2018. The prosecutrix has already been examined in the case and she has not supported the case of the prosecution and rather been declared hostile. Further more she was offered for medical examination, but she has refused to undergo such medical examination. This Court finds that as the culpability of the petitioner in the offence is yet to be established and the trial is not likely to be concluded in the near future, the petitioner deserves to be admitted on bail.

Therefore, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing adequate bail and surety bonds to the satisfaction of learned trial Court.

However, it is made clear that in case the petitioner influences the prosecution witnesses in any manner directly or indirectly, the prosecution shall be at liberty to seek cancellation of his bail.

expression of opinion on the merits of the case and the trial Court shall decide the case without being influenced with these observations in any manner.

11.09 2019
sunita

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No