

233.

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

I. CRM-M-23135-2019
Date of decision: 22.10.2019

VIVEK ... Petitioner
versus

STATE OF HARYANA Respondent

II. CRM-M-32132-2019

TARUN @ TARWAN ... Petitioner
versus

STATE OF HARYANA Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Vikas Sharma, Advocate,
for the petitioner in CRM-M-23135-2019.

Ms. Kamaljit Kaur, Advocate, for
Mr. Amit Kumar Jain, Advocate,
for the petitioner in CRM-M-32132-2019.

Ms. Gaganpreet Kaur, AAG, Haryana

HARI PAL VERMA, J. (Oral)

This order shall dispose of two petitions i.e. **CRM-M-23135-2019** titled as ***Vivek Versus State of Haryana*** and **CRM-M-32132-2019** titled as ***Tarun @ Tarwan Versus State of Haryana***.

Prayer in both these petitions filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioners in case FIR No.175 dated 30.08.2018 registered under Sections 201/341/342/506 of IPC, Section 3(2)(v) of SC & ST Act and Section 6 of POCSO Act, at Police Station Women, Jind, District Jind.

Counsel for the petitioner has argued that the prosecutrix has not supported the case of the prosecution and has been declared hostile. Even father of the prosecutrix has also turned hostile. She relies upon order dated 31.05.2019 passed by this Court in ***CRM-M-24622-2019*** titled as ***Mangal Versus State of Haryana***. She states that the petitioners are in custody since 13.09.2018. She has further argued that since the prosecutrix has not supported the case of the prosecution, the chances of conviction are very bleak.

Learned State counsel, on instructions from ASI Monika, does not dispute the custody and the fact that the prosecutrix has not supported the case of the prosecution and has been declared hostile.

I have heard counsel for the parties.

Considering the fact that the prosecutrix has not supported the case of the prosecution and the co-accused Mangal has been admitted on bail by this Court in ***CRM-M-24622-2019 (supra)***, this Court deems it appropriate to admit the petitioners on bail.

Accordingly, the present petitions are allowed and the petitioners are admitted on regular bail subject to their furnishing bail bonds/surety bonds to the satisfaction of trial Court.

The observations made hereinabove shall not be construed as an expression on the merits of the case and the trial court shall decide the case on the basis of available material.

(HARI PAL VERMA)
JUDGE

22.10.2019

sanjeev Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.