

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-28914-2019

Date of Decision:18.09.2019

Shiva @ Chhuara

.....Petitioner

Versus

State of Haryana

.....Respondent

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

Present: Mr. Rakesh Gupta, Advocate,
for the petitioner.

Ms. Gaganpreet Kaur, AAG, 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.242 dated 15.07.2018 under Sections 363, 366-A, 120-B, 420, 467, 468, 471 IPC and Section 8 of the Protection of Children from Sexual Offences Act, 2012, registered at Police Station Purani Subzi Mandi, Rohtak, District Rohtak.

Learned counsel for the petitioner states that petitioner is in custody since 23.07.2018 and there is no allegation against him of commission of rape upon the prosecutrix. He further states that the prosecutrix has been examined in the case, but she has not supported the case of the prosecution and turned hostile. He has produced on record statement of the prosecutrix, which is taken on record.

Learned State Counsel, on instructions from ASI Ram Niwas,

does not dispute the statement so made by the prosecutrix.

Heard learned counsel for the parties.

Admittedly, the petitioner is in custody since 23.07.2018. At this stage, without observing anything on merits of the case but considering the fact that the prosecutrix has not supported the case of the prosecution and has been declared hostile and trial in the case is not likely to be concluded in the near future, 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.

However, it is made clear that the observations made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall proceed with the trial independently without being influenced by the order of bail passed by this Court.

September 18, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No