

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

CRM-M-40090 of 2019.

Decided on:- September 25, 2019.

Rajesh @ Raju.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

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

Present:- Mr. Dishant D. Tuteja, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, 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.65 dated 02.07.2018 under Sections 120-B, 323, 376(2)(f), 380 and 506 IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012 (for short, the POCSO Act) registered at Women Police Station Panipat, District Panipat.

Earlier also, the petitioner had approached this Court for the similar relief by way of **CRM-M-53134 of 2019** titled as **Rajesh @ Raju Versus State of Haryana** and vide order dated 20.08.2019, the said petition was dismissed as withdrawn with an observation that on the next date of hearing i.e. 02.09.2019, the prosecution shall make an endeavour to examine

Sandeep, the remaining witness. Further, in the event of his non-examination of this witness, the petitioner was granted liberty to move a fresh petition seeking regular bail before the trial Court.

Learned counsel for the petitioner has submitted that pursuant to the aforesaid order dated 20.08.2019 passed by this Court, the petitioner had filed a fresh petition for regular bail before the trial Court, but the trial Court, vide order dated 06.09.2019 had declined bail to the petitioner.

At this stage, learned State counsel states that Sandeep, who is brother of the victim has been examined in the case and as per her information, he has not supported the case of the prosecution. Even the victim has not supported the case of the prosecution.

Having considered the prayer of the petitioner and the fact that neither the victim nor her brother Sandeep has supported the case of the prosecution coupled with the fact that the petitioner is in custody since 03.07.2018, this Court finds that the petitioner deserves to be admitted on bail.

Accordingly, 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 remaining prosecution witnesses in any manner directly or indirectly, the prosecution shall be at liberty to seek cancellation of his bail.

The observations made hereinabove shall not be construed as an 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.

September 25, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No