

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

CRM-M-44413 of 2019.

Decided on:- December 06, 2019.

Prem Singh.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

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

Present:- Mr. D.S. Matya, 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.141 dated 14.06.2019 under Sections 354-B and 376 IPC registered at Women Police Station, Mewat, District Nuh.

Learned counsel for the petitioner, while making reference to the FSL report dated 28.06.2019, submits that as per the report, semen could not be detected on exhibit-1 (vaginal swabs) and in this manner, the report was found negative. Even the prosecutrix while appearing in the witness box as PW3 has not supported the prosecution case, rather, declared hostile. He has produced the certified copies of the FSL report as well as the statement of the prosecutrix (PW3), which are taken on record.

He further contends that the alleged incident took place on 11.06.2019, whereas the aforesaid FIR was registered on 14.06.2019. The petitioner is in custody since 14.06.2019 and the trial is not likely to be concluded in near future.

Learned State counsel is fair enough to admit that the prosecutrix has not supported the case of the prosecution and was declared hostile.

Having heard learned counsel for the parties and considering the fact that the prosecutrix has not supported the case of the prosecution and the petitioner is in custody since 14.06.2019, this Court finds that no useful purpose would be served by keeping the petitioner in custody during the trial.

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.

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.

December 06, 2019

Yag Dutt

**(HARI PAL VERMA)
JUDGE**

Whether speaking/reasoned: Yes

Whether Reportable: No