

216.

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

CRM-M-45244-2019

Date of decision: 28.11.2019

AJIT

... Petitioner

versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Rajesh Goyal, Advocate, for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

HARI PAL VERMA, J.(Oral)

Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.1261 dated 18.12.2018 registered under Sections 363/366/376(2) of IPC and Section 6 of POCSO Act, at Police Station Model Town, Panipat.

Counsel for the petitioner has argued that apart from the fact that the petitioner has solemnized marriage with the prosecutrix, she has not supported the case of the prosecution and rather declared hostile. He has referred to the statement of the prosecutrix dated 09.09.2019 (Annexure P-2). Petitioner is in custody since 22.12.2018. He states that as the prosecutrix has not supported the case of the prosecution, the trial would be in futility. Moreover, only 4 witnesses have been examined as against the total 17 witnesses cited by the prosecution.

Learned State counsel, on instructions from SI Saroj, does not dispute the custody. She submits that on the date when the petitioner

solemnized marriage with the prosecutrix, she was minor. She states that DNA report is positive and, therefore, the petitioner is not entitled for grant of bail.

I have heard learned counsel for the parties.

Petitioner is in custody since 22.12.2018. The prosecutrix, while appearing as PW1, has not supported the case of the prosecution, rather has been declared hostile. The contention of the learned State counsel that DNA report is positive, is the subject matter to be considered during the trial. The trial will take sufficient long time as only 4 witnesses have been examined out of total 17 witnesses cited by the prosecution. Thus, 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 his furnishing bail bonds/surety bonds to the satisfaction of trial Court.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

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

28.11.2019
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No