

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

CRM-M-53699-2019

Date of decision: 19.12.2019

HARJINDER SINGH @ ZINDER

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Kanwaljeet Singh Brar, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner seeks grant of regular bail in case registered vide FIR No.99 dated 5.7.2016 registered under Sections 452, 376, 506 IPC and Section 4 of POCSO Act, Police Station Nehianwala, District Bathinda.
2. The FIR was lodged at the instance of prosecutrix wherein it has been alleged that on 5.7.2016 while her parents were away and she was alone at her house, then her neighbour Zinder Singh entered into her house and committed rape upon her.
3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and falsity would be evident from the fact that when the prosecutrix stepped into the witness-box she did not

support the case of prosecution at all. Learned counsel has further submitted that even the mother and father of the petitioner also did not support the case of prosecution and all the aforesaid witnesses i.e. PW-1 to PW-3 had been declared hostile.

4. Opposing the petition, learned State counsel has submitted that since specific and categoric allegations have been levelled against the petitioner, no case for grant of bail is made out. It has however been submitted that prosecutrix did not support the case of prosecution when her statement in terms of Section 164 Cr.P.C. was recorded.
5. Having considered rival submissions addressed before this Court and keeping in view the fact that the prosecutrix and other PWs have not supported the case of prosecution and that the petitioner has been behind bars since last about 4 months, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and it is ordered that petitioner be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

(GURVINDER SINGH GILL)
JUDGE

19.12.2019
Gaurav Sorot

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**