

**107+217 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRM-7273 of 2020 in/and
CRM-M-2227 of 2020 (O&M)
Date of Decision: 02.03.2020**

Monu

.... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Ajay Chaudhary, Advocate
for the petitioner.

Ms. Trishanjali Chopra, Asst. A.G.Haryana.

JAISHREE THAKUR, J. (ORAL)

CRM-7273 of 2020

The present application has been filed under Order 482 Cr.P.C.
to place on record the statement of Prosecutrix (Annexure P-4) and the
statement of Ramesh (Annexure P-5).

The application stands allowed and the documents are taken on
record.

CRM-M-2227 of 2020

The instant petition has been filed under Section 439 Cr.P.C.
for grant of regular bail to the petitioner in case FIR No. 46 dated
27.02.2019, under Sections 365, 376D, 376(2)(N), 506, 34 of Indian Penal
Code and Section 3(2) (v) (ii) of the Scheduled Castes and the Scheduled
Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station
Uklana, District Hisar.

Learned counsel for the petitioner contends that the petitioner
has been falsely implicated in the said FIR as would be evident from the fact

that the prosecutrix has resiled and not supported the version as set out by

her in the FIR. It is also argued that the co-accused has already been allowed regular bail by the Additional Sessions Judge, Hisar.

Learned counsel appearing on behalf of the respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, while submitting that there are specific allegations against the petitioner as he along with co-accused committed rape upon the prosecutrix.

Learned counsel for the respondent-State, however, is not in a position to controvert the statement made by learned counsel for the petitioner that the prosecutrix has turned hostile and the co-accused has been granted bail by the Additional Sessions Judge, Hisar.

I have heard learned counsel for the parties.

Since, the trial is likely to take some time and in view of the facts that that the petitioner herein has been in custody since 03.03.2019 and that statement of the prosecutrix has been recorded, who has turned hostile and did not indict the petitioner, no useful purpose would be served in keeping the petitioner behind bars. At this stage, without commenting on the merits of the case, the instant petition is allowed and the petitioner-Monu is directed to be released on regular bail on execution of adequate personal bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate.

(JAISHREE THAKUR)
JUDGE

02.03.2020
Maninder

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No