

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

CRM-M-7659-2020
Decided on :26.02.2020

Krishan

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Akashdeep Singh, Advocate
for the petitioner.

Mr. Ashish Sanghi, DAG, Haryana.

Mr. Anshumaan Dalal, Advocate
for the complainant.

Manjari Nehru Kaul, J.

Instant petition has been filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.249 dated 13.07.2019 registered under Sections 365, 376 and 506 IPC and Section 3 of SC/ST Act and Section 4 of POCSO Act (Section 3(2) (v) of SC/ST Act and Section 376(3) IPC added during challan) at Police Station Kalanaur, District Rohtak.

Learned counsel for the petitioner contends that on the face of it, it is a case of false implication. The prosecutrix while appearing as PW-3 before the trial Court did not support the case of the prosecution and was declared hostile. It is further submitted that the prosecutrix in her cross-examination stated that the petitioner had been falsely implicated by her at the behest of her family members as they were averse to their relationship. This Court has also been apprised that as per FSL report, no semen was detected on the vaginal swabs of the prosecutrix. The petitioner is in

custody since 13.07.2019 and no useful purpose would be served by keeping the petitioner in custody.

Learned State counsel while opposing the bail application, has not been able to controvert the factum of the prosecutrix turning hostile and not supporting the case of the prosecution. He further submits that only 3 out of 18 prosecution witnesses have been examined so far.

Be that as it may, without commenting on the merits of the case and keeping in view the fact that the petitioner is behind bars since 13.07.2019 and the trial is unlikely to conclude in the near future, no useful purpose would be served in keeping the petitioner in custody. In the circumstances, present petition is allowed and the petitioner is admitted to bail to the satisfaction of the trial court/Duty Magistrate concerned. It is however, made clear that nothing observed herein above would be construed as an expression on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

26.02.2020

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