

CRM-M-10479-2020

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

CRM-M-10479-2020 (O & M)

Date of Decision:27.05.2020

Rahul Bidlan @ Munna

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Gurinder Pal Singh, Advocate,
for the petitioner.

HARNARESH SINGH GILL, J.(Oral)

CRM-11418-2020

This is an application under Section 482 Cr.P.C. for early hearing of the main petition and for grant of regular bail or in the alternative for grant of interim bail.

Notice of the application.

On the asking of this Court, Mr. Manish Bansal, DAG, Haryana, accepts notice on behalf of the respondent-State, and submits that he has no objection, if the main petition is preponed to today itself for hearing.

In view of the above, the present application is disposed of and the date of hearing fixed in the main petition is preponed to today itself and the same is taken up on Board.

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Petitioner has filed this petition under Section 439 of the Code

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of Criminal Procedure, 1973 for grant of regular bail in case FIR No.217 dated 05.08.2019, registered at Police Station City Ratia, District Fatehabad, under Sections 363 and 366-A IPC and Section 376(2) (n), 376(2) (f) and 506 IPC and Section 6 of the POCSO Act, 2012 (added later on).

Learned counsel for the petitioner contends that the present FIR was registered after one and a half months of the alleged incident. He further relies upon the photographs (Annexure P-2) to contend that the petitioner and the victim travelled together at difference places. He further points out that victim while stepping into the witness-box as PW 6 has resiled from her earlier statement. Similarly, Krishan Kumar and Sheela, parents of the victim, while stepping into the witness-box as PW 4 and PW 5, respectively, have also resiled from their earlier statements.

Notice of motion.

On the asking of this Court, Mr. Manish Bansal, DAG, Haryana, accepts notice on behalf of the respondent-State and draws the attention of this Court towards the conclusion drawn by the learned Additional Sessions Judge, Fatehabad, that the victim is minor and she was having pregnancy of about 04 months.

I have heard the learned counsel for the parties and have gone through the record.

The victim and her parents have not supported the prosecution version and have been declared hostile. Out of 22 prosecution witnesses, only 06 witnesses have been examined. The trial of the case would take time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

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Without commenting anything on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

27.05.2020
parveen kumar

(HARNARESH SINGH GILL)
JUDGE

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