

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

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IN VIRTUAL COURT

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**CRM-M No. 13138 of 2020
Date of decision : 9.6.2020**

Balwan

.....Petitioner

Vs.

State of Haryana

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. R.S. Mamli, Advocate, for the petitioner

Rajbir Sehrawat, J. (Oral)

This petition has been filed by the petitioner under Section 439 of Cr.P.C. for grant of bail pending trial in case FIR No. 356 dated 8.7.2018, registered under Sections 365 IPC, at Police Station Ratia, District Fatehabad.

It is contended by the counsel for the petitioner that the case against the petitioner is totally false. The prosecutrix, complainant and the other witnesses have already been examined before the trial Court. However, the prosecutrix and her parents have not supported the case of the prosecution. On the other hand, the prosecutrix has categorically deposed that no sexual offence was committed upon her. It is further submitted that the petitioner is in custody since 15.5.2019. The petitioner is not required for any investigation purposes. Hence, the petitioner deserved to be released on bail.

Notice of motion.

Mr. Anmol Malik, DAG, Haryana accepts notice on behalf of the

Learned State counsel, on instructions from SHO Kapil Kumar, submits that the name of the petitioner had been specifically mentioned by the prosecutrix. Even in the statement recorded under Section 164 Cr.P.C., she had reiterated the acts of the petitioner. Hence, the petitioner does not deserve concession of bail. However, it is not disputed that while appearing as a witness before the Court she has not supported the case of the prosecution. It is also not disputed that even the parents of the prosecutrix have also not supported the case of the prosecution. Still further, it is not disputed that the petitioner is in custody since 15.5.2019.

In view of the above, but without commenting upon the merits of the case, the present petition is allowed. It is ordered that the petitioner be released on bail pending trial on his furnishing bail bonds sureties to the satisfaction of the trial Court/ Duty Magistrate.

(RAJBIR SEHRAWAT)
JUDGE

9.6.2020

Ashwani

Speaking/Reasoned	:	Yes/No
Reportable	:	Yes/No