

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-13788-2020 (O&M)
Date of Decision:-16.6.2020

Sattu @ Satbir

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Aditya Sanghi, Advocate for the petitioner.

Ms. Aditi Girdhar, Assistant Advocate General, Haryana.

*(the aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in Virtual Court)*

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.162 dated 26.12.2019 at Police Station Women Police Station Narnaul, District Mahendergarh, Haryana under Sections 376, 511 and 506 of Indian Penal Code, 1860.
2. The allegations, in nutshell, are that the petitioner had caught the prosecutrix from her back in an attempt to rape her.
3. The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that when the prosecutrix was examined in the Court during the proceedings of trial, she has turned hostile.

4. Opposing the petition, the learned State counsel has submitted that since the petitioner is specifically named in the FIR and the prosecutrix had specifically stated against him even in her statement recorded under Section 164 Cr.P.C., no case for grant of bail is made out.
5. I have considered rival submissions addressed before this Court.
6. The statement made by the prosecutrix when she stepped in the witness-box as PW-1 reads as follows:

“ Stated that two month ago at about 8:00 PM, I was taking meal at my tubewell. On the way, one person came from my back side and tried to snatch my chain, I cried for help 4-5 persons were coming from the opposite side on seeking them. That person fled away and the people who were coming from the opposite side had told me that he was Sattu of our village. I know Satbir @ Sattu, who is present today in the court. Nothing else had happened with me.”

7. During cross-examination, the prosecutrix categorically stated that petitioner had not committed any wrong with her. The aforesaid statement causes serious dent in the case of prosecution. In any case, since the material witness has already been examined and that the petitioner has been behind bars since the last about six months, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and it is ordered that the petitioner be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

16.6.2020

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No