

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

Crl. Misc. M-19961 of 2020 (O & M)

Date of decision: 27.10.2020

213

Ram Dinesh

....Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Dr. Naresh Kaushik, Advocate,
for Mr. Jarnail S. Saneta, Advocate,
for the petitioner.

Mr. Anant Kataria, DAG, Haryana.

(Proceedings are conducted through video
conferencing as per instructions).

G.S.SANDHAWALIA, J. (Oral)

Crl. Misc. No. 17326 of 2020

Allowed as prayed for.

Crl. Misc. M-19961 of 2020

The petitioner seeks regular bail in a petition filed under Section 439 Cr.P.C. in FIR No. 266 dated 07.09.2019 under Sections 452, 365, 376-DB, 506, 120-B IPC, Section 6 of the POCSO Act, 2012 and Sections 3 and 4 of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, P.S. Sadar Gohana, District Sonapat.

Counsel for the petitioner submits that the petitioner is in detention since 11.09.2019 and in pursuance of the order dated 29.09.2020, the Trial Court has examined the victim. He has placed reliance upon the statements of the complainant namely Suman, who was examined as PW-1 to submit that she has not supported the case of the prosecution against the

petitioner and the allegations have been levelled only against Himanshu, another co-accused, as per the statement recorded on 12.10.2020. It is further submitted that she was declared hostile also. He has also placed reliance upon the statement of the victim as such, which was also recorded on the same date, who has also exonerated the petitioner Ram Dinesh and co-accused Kuldeep.

The allegations, thus, have only been levelled against Himanshu. Reliance has also been placed upon the order dated 12.10.2020 passed by the Trial Court that an application under Section 340 read with Section 195(1)(b) Cr.P.C. was filed by the public prosecutor for initiating proceedings against the two witnesses. Resultantly, a fine of Rs.500/- had also been imposed upon the mother of the victim being a poor lady and proceedings under Section 344 Cr.P.C. stood disposed of accordingly.

Keeping in view the above facts since witnesses have not supported the case against the petitioner, no useful purpose would be served by keeping him in custody during the pendency of the trial.

Accordingly, without observing on the merits of the case, the petition is allowed and the petitioner is directed to be released on bail to the satisfaction of Duty Magistrate/Illaq Magistrate, Sonapat. Needless to say that anything observed herein is only for the purpose of granting regular bail and shall not prejudice the trial Court while deciding the case on merits.

27.10.2020
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No