

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CRM-M No. 20362 of 2020

Date of decision : July 27, 2020

(Through Video Conferencing)

Salma and another

..... Petitioner

Versus

State of Punjab

..... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present:- Mr. Navjot singh, Advocate
for the petitioners.

Ms. Rashmi Attri, AAG., Punjab.

Manjari Nehru Kaul, J (oral).

The present petition has been filed under Section 439 Cr.P.C for grant of regular bail to the petitioners, in case FIR No. 69 dated 29.11.2019 under Sections 376-D,363,366-A,368 IPC and Sections 4 & 6 of Protection of Children from Sexual Offences Act, 2012 registered at Police Station Garhdiwal, District Hoshiarpur.

Learned counsel for the petitioners contends that the prosecutrix has since been examined before the trial court and she did not support the case of the prosecution as a result of which she was declared hostile. He further contends that infact the prosecutrix deposed before the trial court that her family was averse to her relationship with one Saleem who happens to be the cousin of petitioner No.1 as a result of which she was threatened with dire consequences and pressurized to level allegations against all the members of the family of the said Saleem. He further contends that the petitioners have been in custody since 7.2.2019 and hence no useful purpose would be served as the main witness i.e. prosecutrix already stands examined.

On the other hand, learned State counsel on instructions from ASI Darshan Singh while opposing the grant of regular bail to the petitioners has not been able to controvert the said factum of the prosecutrix not supporting the case of the prosecution and turning hostile. She has further apprised this Court that out of 22 prosecution witnesses cited, three prosecution witnesses have been examined till date.

In view of the submissions made by learned counsel for the petitioners and keeping in view the fact that the petitioners have been in custody since 7.2.2019 and the trial is unlikely to conclude in the near future, I deem it a fit case to grant the concession of regular bail to the petitioners. Therefore, without expressing anything on the merits of the case, the instant petition is allowed and the petitioners are ordered to be released on regular bail to the satisfaction of the trial court/Duty Magistrate.

(MANJARI NEHRU KAUL)
JUDGE

July 27, 2020
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Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No