

**IN THE HIGH COURT OF PUNJAB AND HARAYANA AT
CHANDIGARH
105 (PROCEEDINGS THROUGH V.C.)**

CRM-M-20468-2020

Date of decision: 05.08.2020

NAVEEN KUMAR

...PETITIONER

V/S

STATE OF HARYANA

..RESPONDENT

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Mohit Sadana, Advocate,
for the petitioner.

Ms. Tanisha Peshawaria, Deputy Advocate General, Haryana,
for the State.

AUGUSTINE GEORGE MASIH, J. (ORAL)

It is the contention of the learned counsel for the petitioner that the evidence, which has come on record in the form of statements of prosecutrix/victim as also the mother of the victim, who is the complainant, does not support the case of the prosecution. His contention is that the petitioner is in custody since 26.07.2019 and more than one year has passed. His contention is that the petitioner is an innocent person and as per the statement of the prosecutrix, they were into affair and wanted to marry each other. Assertion is that the case having been found to be not supported by the prosecution witnesses, the petitioner may be granted the concession of bail.

Learned counsel for the State has referred to the statement of the prosecutrix recorded under Section 164 Cr. P.C. where she is found to be minor and, therefore, statement of the prosecutrix could not be of any relevance. However, the factual aspect with regard to the complainant not supporting the case of the prosecution could not be disputed by the counsel for the State.

Having considered the submissions made by the counsel for the parties and keeping in view the fact that the prosecution witnesses have not supported the case and the petitioner is in custody for the last more than one year, the present application is allowed.

Petitioner is directed to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Gurugram.

Any observation made herein above shall have no bearing on the merits of the case during trial in any manner.

August 05, 2020

pj

**(AUGUSTINE GEORGE MASIH)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No