

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

CRM-M-26076-2020

Date of decision : 16.09.2020

Naveen

.... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present: Mr. Amit Kumar Goyal, Advocate
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

SANT PARKASH, J.

The aforesaid presence is being recorded through video conferencing since the proceedings are being conducted in virtual court.

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail in FIR No.66 dated 25.06.2019 under Sections 323, 365, 376(D), 506, 451 and 34 of IPC, registered at Police Station Women Jhajjar, District Jhajjar.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the FIR and no offence under Sections 323, 365, 376(D), 506, 451 and 34 of IPC is made out against him. He further submits that the victim has not supported the case of the prosecution before the learned trial Court and the co-accused of the petitioner have already been granted bail by the said Court.

Per contra, learned State counsel admits the fact that the petitioner has not been named in the FIR but his name was disclosed during investigation. As per the CCTV footage, the petitioner was present at the spot where the heinous offence was committed.

From the impugned order dated 21.08.2020, it is evidently clear that the prosecutrix while appearing as prosecution witness, suffered the following statement:-

“PW-1:- The deposition of Victim w/o Rajbir, aged 47 years, Occupation-Housewife, R/o Dubaldhan, Jhajjar, recorded before me (Shashi Chauhan), Additional Sessions Judge, Jhajjar (recorded in my supervision and on my dictation) on this 30.10.2019.

(In camera proceedings)

On S.A.

Stated that I am resident of above address. That in the intervening night of 24/25.06.2019, I had gone to Deva Guest House to celebrate a party alongwith the accused persons present in the Court with my free consent. Buntty was parting with his friend and he is known to me and nothing forceful act had taken place between me and any of the accused. Whatever had taken place was with my consent. After the party, I left my purse in the said Guest House and when I get back to collect my purse, it was not there and in this regard, I went to the police and made a complaint regarding theft of purse and at that time police took my thumb impression on blank papers.”

If glanced through, it would be explicit that the prosecutrix has not supported the prosecution story and turned hostile. On this ground alone, the co-accused namely, Vinod @ Bunti, Raj Kumar @ Shyamu have already been granted the concession of regular bail by the learned trial Court. The present petitioner is in custody w.e.f. 25.06.2019 and taking into consideration, the totality of the circumstances, he is also entitled to the concession of regular bail on the ground of parity.

Accordingly, the present petition is allowed. Petitioner, namely, Naveen, is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

**(SANT PARKASH)
JUDGE**

16.09.2020

Dinesh

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No