

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

CRM-M-29130-2020(O&M)

Date of decision: 17.11.2020

Mubin @ Lala

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Bhisham Kumar Majoka, Advocate for the petitioner.

Mr. Apoorv Garg, DAG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

CRM-28015-2020

For the reasons mentioned in the application, the same is allowed. Annexure P-5, the statement of prosecutrix/complainant, is taken on record, subject to all just exceptions.

Main case:

This petition has been moved by the petitioner for grant of regular bail in a criminal case having FIR No.43 dated 12.3.2020 registered under Sections 376D, 323, 342, 328, 506, 370, 201, 34 IPC at Police Station Women Ballabgarh, Faridabad (later on, offence under Section 376(2)N was added).

On the last date of hearing, a Coordinate Bench has directed the learned trial Court to atleast examine the prosecutrix.

As per communication dated 02.11.2020 of learned Additional District and Sessions Judge, Faridabad, received through District & Sessions Judge, Faridabad, vide letter dated 03.11.2020, the statement of the prosecutrix has been recorded.

Learned counsel for the petitioner points out that though the prosecutrix in her earlier statement recorded under Section 164 Cr.P.C. has supported the version of the prosecution but now she has resiled from her earlier statement. The petitioner has been in custody since 17.03.2020.

At this stage, Mr. Jeevan Gautam, Advocate appears on behalf of the complainant.

Learned State counsel assisted by the learned counsel for the complainant opposed the prayer of the petitioner but does not dispute the fact that the prosecutrix has resiled from her earlier statement.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 17.03.2020. The prosecutrix has resiled from her statement and not supported the prosecution. The trial will take time to conclude, especially due to prevailing situation of Covid-19. Thus, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

17.11.2020
Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No