

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

CRM-M-33002-2019
Decided on : 22.01.2020

Satbir

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. S.K.Panwar, Advocate
for the petitioner.

Mr. D.R.Singla, DAG, Haryana.

Manjari Nehru Kaul, J.

Instant petition has been filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.46 dated 10.06.2019 registered under Sections 365, 376, 506 IPC at Police Station Women, Palwal, District Palwal.

Learned counsel for the petitioner contends that both the prosecutrix, who stepped into the witness box as PW-1 and her husband, who deposed as PW-2 did not support the case of the prosecution and were declared hostile. It has also been submitted that there is a delay of 25 days in lodging the present FIR. The petitioner is in the judicial custody since 18.06.2019 no useful purpose would be served by keeping the petitioner behind bars.

On the other hand, learned State counsel has opposed the bail application and submitted that no doubt that the prosecutrix did not support the case of the prosecution and was declared hostile but there are serious and grave allegations against the petitioner.

Without commenting on the merits of the case and keeping in view the fact that the petitioner is behind bars since 18.06.2019 and the trial is unlikely to be concluded in the near future, no useful purpose would be served by keeping the petitioner in custody, specifically when the prosecutrix has already been examined. In the circumstances, present petition is allowed and the petitioner is admitted to bail to the satisfaction of the trial court/Duty Magistrate concerned. However, it is clarified that nothing observed herein above would be construed as an expression on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

22.01.2020

sonia

Whether speaking/reasoned:

Yes/No

Whether reportable :

Yes/No