

**IN THE HIGH COURT OF PUNJAB & HARYANA
CHANDIGARH
(Through Video Conferencing)**

CRM-M-41388-2020

Date of decision : 15.12.2020

Hanif Mohammad @ Deepu

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Navjot singh, Advocate
for the petitioner.

Mr. Saurav Khurana, DAG, 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 in fact 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 Salma, co-accused 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 petitioner is in custody since 30.11.2019 and hence no useful purpose would be served to keep him behind bars 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.

Heard.

In view of the submissions made by learned counsel for the petitioner and keeping in view the fact that the petitioner is in custody since 30.11.2019 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 petitioner. Therefore, without expressing anything on the merits of the case, the instant petition is allowed and the petitioner is ordered to be released on regular bail to the satisfaction of the trial court/Duty Magistrate.

(MANJARI NEHRU KAUL)
JUDGE

15.12.2020
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No