

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-40014 of 2019
Date of decision :13.01.2020

Sanjay Kumar

.....Petitioner

Vs.

State of Haryana

.....Respondent

CRM-M-47695 of 2019

Gorkha Ram

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr.S.S.Momi, Advocate, for the petitioners.

Ms.Gaganpreet Kaur, AAG, Haryana.

HARI PAL VERMA, J. (ORAL)

Prayer in the present petitions filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner(s), pending trial, in case FIR No.35 dated 09.03.2019 registered under Sections 376-D, 328, 120-B and Section 201 of IPC at Woman Police Station Panchkula, Haryana.

Learned counsel for the petitioner(s) states that the petitioners are in custody since 12.03.2019. The alleged incident has taken place on 01.03.2019 whereas present FIR was registered on 09.03.2019. There is no specific allegation against the petitioner(s) for commission of offence of rape. He further states that prosecutrix in this case has been examined and she has not supported the case of the prosecution and has been declared hostile. He has produced the statements of the prosecutrix in support of his

Learned State counsel does not dispute the custody. However, she submits that though the prosecutrix has been declared as hostile, however, in her statement she has stated that apart from the other co-accused namely Vikram and Raman, the petitioner(s) were also involved in the crime. As per statement of the prosecutrix, she was administered injection and she was found unconscious in one room of hotel i.e. La Fusion, Panchkula and thereafter, she was shifted to Civil Hospital, Panchkula, for her treatment by the hotel staff but considering her medical condition, she was referred to PGIMER, Chandigarh for her treatment and she regained her consciousness during the course of treatment at PGI on 09.03.2019.

Heard learned counsel for the parties.

Petitioner(s) are in custody since 12.03.2019. The prosecutrix has not supported the case of the prosecution and she has been declared hostile. Thus, this Court finds that the culpability of the petitioners is yet to be established during the trial. Therefore, no useful purpose would be served by keeping them in further custody.

Accordingly, the present petitions are allowed and the petitioner(s) are admitted on regular bail subject to their furnishing bail bonds/surety bonds to the satisfaction of trial Court.

The observations made hereinabove shall not be construed as an expression on the merits of the case and the trial court shall decide the case on the basis of available material.

13.01.2020

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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned = Yes/No.

Whether reportable= Yes/No.