

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

**CRM-M-55350-2019
Decided on : 10.01.2020**

Javed

. . . Petitioner(s)

Versus

State of Haryana

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. Sarfraj Hussain, Advocate
for the petitioner(s).

Mr. Ashish Sanghi, DAG, Haryana.

MANJARI NEHRU KAUL, J.

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case FIR No. 273, dated 25.06.2019, registered under Sections 365, 342, 376-D, 452, 506, 34 IPC, registered at Police Station Ferozepur Jhirkha, District Nuh (Mewat).

The FIR was lodged at the instance of the victim, wherein, it was alleged that on the night of 24th June, 2019, when she along with her mother and sister were at home, three unknown persons after entering into their house, clenched her mouth and forcibly lifted her up. Thereafter, she was taken in a pickup vehicle to a hotel room, where, gang rape was committed upon her. However, in the morning her brother came to the hotel searching for her and saved her from the clutches of the accused. One out of the three accused, fled from the spot while the other two accused including the petitioner – Javed were nabbed from the hotel room itself.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the instant case. The victim was in fact a minor and had herself accompanied the petitioner and the co-accused

to the hotel room. The said fact was also stated by the prosecutrix when she

was examined as PW-2 during trial, wherein the prosecutrix did not support the case of the prosecution and stated that she had voluntarily accompanied the accused including the petitioner to the hotel on the fateful day.

Learned State counsel on the other hand has opposed the submissions made by the counsel for the petitioner and submitted that no doubt the prosecutrix did not support the case of the prosecution in her deposition during the trial and was declared hostile, but there are serious allegations levelled against the petitioner and in such circumstances, no case for grant of regular bail is made out.

Having considered the submissions made by either side and without commenting upon the merits of the case coupled with the fact that the petitioner has been behind the bars for seven months and the star witness i.e. the prosecutrix has already been examined, further detention of the petitioner will not serve any useful purpose. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate.

(MANJARI NEHRU KAUL)
JUDGE

January 10, 2020

J.Ram

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No