

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

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IN VIRTUAL COURT

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**CRM-M No. 623 of 2021
Date of decision : 12.1.2021**

Monu

.....Petitioner

Vs.

State of Haryana

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Ankit Chahal, Advocate, for the petitioner

Rajbir Sehrawat, J. (Oral)

This second petition has been filed by the petitioner under Section 439 Cr.P.C. for grant of bail pending trial in case FIR No.39 dated 14.2.2019, registered under Sections 376 and 506 read with Section 34 IPC, Section 4 of Protection of Children from Sexual Offences Act, 2012, Section 3 of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, at Police Station Salhawas, District Jhajjar.

It is submitted by the counsel for the petitioner that the case against the petitioner is totally concocted, which was created for motivated reasons. However, the version of the prosecution has not stood the test before the Court below. The prosecutrix has not supported the case of prosecution. Even her father has not supported the story of the prosecution. It is further submitted that the material witnesses have already been examined before the trial Court. Only three witnesses have been examined before the trial Court out of total 15 witnesses. Therefore, the trial is likely to take longer time. The petitioner is in custody since 18.2.2019. He is not required for any

investigation purposes. There is no other case against the petitioner.

Notice of motion.

Mr. Rohit Arya, DAG, Haryana, accepts notice on behalf of the State.

It is submitted by the counsel for the State that there are direct allegations against the petitioner. The matter involves a heinous crime. Therefore, the petitioner does not deserve any concession of bail. However, it is not disputed that the material witnesses of the prosecution have already been examined. It is also not disputed that while appearing before the Court, the prosecutrix and her father have not supported the case of prosecution in all respects. Further, it is also not disputed that only 3 witnesses have been examined in the case so far; out of total 15 witnesses and; that there is no other case against the petitioner.

In view the above, but without commenting any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

(RAJBIR SEHRAWAT)
JUDGE

12.1.2021

Ashwani

Speaking/Reasoned	:	Yes/No
Reportable	:	Yes/No