

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

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**CRM-M-778-2021(O&M)
Decided on : 20.09.2021**

VIKRAM

...Petitioner(s)

Versus

STATE OF HARYANA

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL
(Through video conferencing)

PRESENT: Mr. Ravi Malik, Advocate
for the petitioner.

Mr. Gagandeep Singh Chinna, AAG Haryana
assisted by SI Balwan.

MANJARI NEHRU KAUL, J. (Oral)

CRM-30304-2021

Instant application has been filed for placing on record the statement of PW-1 and PW-2 as Annexures P-6 and P-7.

Application is allowed. Annexures P-6 and P-7 are taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

CRM-M-778-2021

The instant petition has been filed under Section 439 Cr.P.C., for grant of regular bail to the petitioner in case FIR No.126, dated 06.06.2020 under Sections 363 and 366-A of the IPC and Section 4 of the

POCSO Act registered at Police Station Sadar Narwana, District Jind.

Learned counsel submits that false allegations were levelled against the petitioner of sexually assaulting the victim, aged 16 years, after enticing her away. He submits that petitioner was 100% disabled and hence it could not be digested that firstly he would have enticed the victim and thereafter committed sexual assault on her, more so, when there was no medico legal report to support the said allegation. Learned counsel further submits that a false case having been planted upon the petitioner finds credence from the fact that victim as well as father of the victim, while stepping into the witness box as PW-1 and PW-2 respectively, did not support the case of the prosecution, as a result of which, they were declared hostile.

Per contra, learned State counsel while opposing the prayer of the learned counsel for the petitioner on instructions from SI Balwan has conceded that both the material witnesses i.e., victim and her father did not support the case of the prosecution. He has further apprised the Court that 15 more prosecution witnesses remained to be examined.

Heard learned counsel for the parties and perused the material on record including the deposition of both the victim and father of the victim.

The petitioner has been in custody since 07th June, 2020 and there is no likelihood of the trial concluding in the near future. In the facts and circumstances as enumerated hereinabove, the instant petition is allowed and the petitioner is admitted to bail to the satisfaction of trial

Court/Duty Magistrate. However, it is made clear that anything contained in this order shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

September 20, 2021
S.Sharma(syr)

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>