

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

213

**CRM-M-662-2021 (O&M)
Decided on : 28.07.2021**

Sawan

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. Vikram Singh, Advocate
for the petitioner(s).

Ms. Tanushree Gupta, DAG, Haryana
assisted by ASI Sudesh Kumari.

MANJARI NEHRU KAUL, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 17, dated 03.03.2020, under Sections 342, 365, 376DA, 506 of IPC and Section 6 of the POCSO Act, 2012, registered at Women Police Station, Assandh, District Karnal.

Learned counsel for the petitioner submits that it is a case of false implication, as is evident from the fact that both the complainant and the prosecutrix did not support the case of the prosecution when they stepped into the witness box as PW-1 & PW-2, respectively and were declared hostile. He further submits that even otherwise only allegation levelled against the petitioner was that he accompanied the main accused Balraj when the prosecutrix was allegedly abducted.

Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from ASI Sudesh Kumar, has conceded that two material witnesses i.e. the

complainant and the prosecutrix, did not support the case of the prosecution and as a result of which, they were declared hostile. She has further apprised the Court that 12 prosecution witnesses remained to be examined.

Heard.

In view of the submissions made by learned counsel for the parties and keeping in view the fact that petitioner has been in custody since 04th March, 2020, I deem it a fit case for grant of the concession of regular bail to the petitioner. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

July 28, 2021

J.Ram

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