

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

(Heard through VC)

CRM No.17630 of 2021 in/and
CRM-M-1520 of 2021 (O&M)
Date of Decision: July 15, 2021

Tejpal

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Surender Lamba, Advocate
for the petitioner.

Ms. Deepshikha Chauhan, AAG Haryana.

JAISHREE THAKUR, J. (Oral)

CRM-17630-2021

This is an application that has been filed seeking to prepone hearing in the main case, which is now listed for 10.09.2021.

For the reasons mentioned in the application, the same is allowed. Hearing in the main case is preponed and the same is taken up for hearing today.

CRM-M-1520-2021

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.102 dated

28.08.2020, under Section 376 of Indian Penal Code (initially the FIR was registered under Section 346 of IPC), registered at Police Station Satnali, District Mohindergarh.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 30.08.2020. It is submitted that the petitioner has been falsely implicated in the present case. It is submitted that the material witness i.e. the prosecutrix has been examined and she turned hostile and did not support the prosecution version. It is also contended that conclusion of trial will take sufficient time, as such, the petitioner is entitled to be enlarged on bail.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner. However, she does not dispute the fact that the prosecutrix has turned hostile and did not support the prosecution version.

I have heard learned counsel for the parties.

In view of the facts that the petitioner herein has been in custody since 30.08.2020 and the material witness i.e. the prosecutrix has turned hostile and did not support the prosecution version, no useful purpose would be served in keeping the petitioner behind bars. At this stage, without commenting on the merits of the case, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate.

However, anything observed or said by this court is only for the purpose of deciding the instant petition for grant of regular bail and the

same shall have no affect on the merits of the case.

July 15, 2021
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No