

115.

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

**CRM-29464 & 29466-2021 IN/AND
CRM-M-2623-2021**

Date of Decision: 16.09.2021

(Heard through VC)

ABHISHEK

.... Petitioner

Versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Vikas Lochab, Advocate, for the petitioner.

Ms. Mahima Yashpal, DAG, Haryana.

JAISHREE THAKUR.J (Oral)

CRM-29466-2021

Prayer in this application filed under Section 482 Cr.P.C. is for preponement of the main petition, which is otherwise fixed for hearing on 01.11.2021.

For the reasons stated in the application, same is allowed and the hearing of the petition is preponed and the same is taken on board today itself.

CRM-29464-2021

Application is allowed, as prayed for.

Statements of the witnesses i.e. PW-1, PW-2 and PW-3 at Annexure P-4 are taken on record.

CRM-M-2623-2021

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.242, dated 11.08.2020, under Sections 364, 364-A of IPC and Sections 8 & 16 of the POCSO Act, registered at Police Station Sadar Narnaul, District Mahendergarh.

Learned counsel for the petitioner herein would pray for grant of regular bail by relying upon the statements of the prosecutrix, the complainant (maternal grandfather) and the mother of the prosecutrix, who have turned hostile and not supported the version of the prosecution. It is submitted that the petitioner has been falsely implicated in the said case. He is in custody since 11.08.2020 and as the material witnesses have already been examined, there would be little likelihood of him influencing her. Moreover, the trial is likely to take some time to conclude.

Per contra, learned counsel appearing on behalf of the respondent-State would fairly submit that the prosecutrix, her mother and her grandfather (the complainant herein) have been examined and they turned hostile.

I have heard learned counsel for the parties.

Keeping in view the fact that the material witnesses i.e. the prosecutrix, the complainant (maternal grandfather) and the mother of the prosecutrix, examined as PW-1, PW-2 and PW-3 respectively have turned hostile and the fact that trial is likely to take some time to conclude, no useful purpose would be served in keeping the petitioner behind the bars.

Accordingly, 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, any observation made herein shall not be construed to be an expression on merits of the case.

(JAISHREE THAKUR)
JUDGE

16.09.2021
sanjeev

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