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

**CRM-M No.2387 of 2020
Date of Decision: 27.01.2021**

DHARAMBIR

.....Petitioner

Vs

STATE OF HARYANA

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Sandeep Kumar Goyat, Advocate
for the petitioner.

Mr. Anant Kataria, D.A.G., Haryana.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.140 dated 09.09.2019, registered under Sections 376, 342, 506 IPC at Police Station Garhi, District Jind, Haryana.

FIR was registered on the statement of the prosecutrix in which she had alleged allegations under Section 376 IPC against three boys namely Ashwani, Karambir and the petitioner-Dharambir.

Vide order dated 01.12.2020, statement of learned State counsel was recorded on the report of DSP Narwana that the prosecutrix shall be examined at the first available opportunity after the Courts start regular hearing. State also undertook to ensure the presence of the prosecutrix before the trial Court on the date fixed.

Today, learned counsel for the petitioner has placed on record certified copies of statements of PW-1 to PW-3. PW-1 is the prosecutrix. The same are taken on record.

Perusal statement of PW-1 would show that she has turned hostile and has not supported the case of the prosecution. Prosecutrix was examined by the public prosecutor, but she did not identify the petitioner.

Similarly, Dharambir and Randhir uncles of the prosecutrix have also not supported the case of the prosecution. They have also been declared hostile and have been cross-examined by the public prosecutor at length, but nothing incriminating could be extracted against the petitioner.

Learned counsel for the petitioner submitted that according to the FSL, nothing incriminating could be pointed out in the report. Petitioner is in custody since 10.09.2019.

Learned State counsel could not dispute the factum of

witnesses viz. PW-1 to PW-3, being declared hostile by the trial Court on 11.01.2021.

In view of aforesaid position, without meaning anything on the merits of the case, it would be just and appropriate to grant regular bail to the petitioner.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

January 27, 2021

Atik

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No