

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

226-A

**CRM-M-5392-2021
Decided on : 25.08.2021**

Anil

... Petitioner(s)

Versus

State of Haryana and another

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. Pankaj Bali, Advocate
for the petitioner(s).

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

Mr. Parminder Singh, Advocate
for respondent No.2 (complainant).

MANJARI NEHRU KAUL, J. (Oral)

This is the second petition filed under Section 439 Cr.P.C. for grant of bail to the petitioner in case FIR No. 61, dated 06.10.2019, under Sections 376-D, 506 of IPC (Section 365 of IPC added later on), registered at Police Station Nighdu Karnal, District Karnal.

Learned counsel for the petitioner submits that the petitioner has been in custody since 07th October, 2019, in a case of false implication, which is evident from the fact that all the three material witnesses including the prosecutrix aged 24 years while stepping into the witness-box did not support the case of the prosecution, as a result of which, they all were declared hostile. Learned counsel therefore prays for grant of concession of bail to the petitioner.

Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions

from SI Satpal Singh, has not been able to controvert the factum of all the three material witnesses having been declared hostile on account of not supporting the case of prosecution.

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 07th October, 2019, 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

August 25, 2021

J.Ram

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