

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

(Proceedings through Video Conferencing)

**CRM-M-6511-2021 (O&M)
Date of Decision : 10.09.2021**

Deepak

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Diwan S.Adlakha, Advocate
for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

MANJARI NEHRU KAUL (Oral)

CRM-29290-2021

Application is allowed as prayed for subject to just exceptions.

Annexures A-5 and A-6 are taken on record.

CRM-M-6511-2021

Instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.758 dated 26.10.2018, registered under Sections 363, 366-A, 376 IPC, 1860 and Section 4 of the Protection of Children from Sexual Offences Act, 2012, at Police Station Camp Palwal, District Palwal.

Learned counsel for the petitioner submits that the false implication of the petitioner in the case in hand finds credence from the fact that both the prosecutrix aged about 18 years and the complainant i.e. the mother of the prosecutrix did not support the case of the prosecution while deposing before the trial Court. Learned counsel for the petitioner in support of his submissions, has invited the attention of this Court to

Annexures P-5 and P-6, which are copies of the deposition of the prosecutrix and her mother respectively. Learned counsel for the petitioner submits that both these material witnesses were declared hostile during trial. He has, thus, prayed that the petitioner be extended the concession of bail as he has been in custody since 12.03.2020.

Learned State counsel, while opposing the prayer and the submissions of learned counsel for the petitioner, has apprised the Court that no doubt, both the material witnesses i.e. prosecutrix and the complainant did not support the case of the prosecution, however, in her statement recorded under Section 164 Cr.P.C., the prosecutrix had levelled allegations of rape against the petitioner. Learned State counsel has further submitted that 07 out of 19 prosecution witnesses stand examined.

Heard.

In view of the submissions made by learned counsel and the fact that the petitioner has been in custody since 12.03.2020, the present petition is allowed and the petitioner is admitted to bail to the satisfaction of the 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

10.09.2021
mamta

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No