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

(Heard through VC)

CRM Nos.16182, 16184
and 20240 of 2021 in/and
CRM-M-7402 of 2021 (O&M)
Date of Decision: July 15, 2021

Harmanjeet Singh

...Petitioner

Versus

State of Punjab and others

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Vipin Mahajan, Advocate
for the petitioner.

Mr. Amit Mehta, Sr. DAG Punjab.

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JAISHREE THAKUR, J. (Oral)

CRM-16184-2021

This is an application that has been filed seeking to prepone hearing in the main case, which is now listed for 25.08.2021.

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-16182-2020

Allowed as prayed for.

Statement of the witnesses and other documents are taken on

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record as Annexues P-4 to P-8.

CRM-20240-2021

Allowed as prayed for.

Amended index is taken on record.

CRM-M-7402-2021

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.76 dated 20.08.2020, under Sections 363, 366, 376 of Indian Penal Code and Sections 3 and 4 of POCSO Act, registered at Police Station Kotli Surat Mallan, District Batala.

Learned counsel for the petitioner contends that the petitioner herein is in custody since long. It is submitted that the material witnesses i.e. the complainant, prosecutrix and her father have been examined and they have turned hostile and did not support the prosecution version. It is also contended that conclusion of trial is likely to take sufficient time, as such, the petitioner 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, he does not dispute the fact that the material witnesses have turned hostile and did not support the prosecution version.

I have heard learned counsel for the parties.

In view of the facts that the material witnesses i.e. the complainant, prosecutrix and her father have turned hostile and did not support the prosecution version and the trial is likely to take time to

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conclude, no useful purpose would be served in keeping the petitioner behind bars any longer. At this stage, without commenting on 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.

(JAISHREE THAKUR)
JUDGE

July 15, 2021
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Whether speaking/reasoned Yes/No
Whether reportable Yes/No

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