

**217 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(through video conferencing)**

CRM-M-7429-2021
Decided on : 25.03.2021

Anjan Mahato

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Sanpreet Sandhu, Advocate
for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

Manjari Nehru Kaul, J.

This is the second petition filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.313 dated 21.05.2020 registered under Sections 376(2), 506 IPC, 1860 and Section 6 of POCSO Act, 2012 at Police Station City Yamuna Nagar District Yamuna Nagar.

Learned counsel for the petitioner inter alia contends that the petitioner, who has been in custody since 21.05.2020, has been falsely implicated in the case in hand, which finds credence from the MLR of the prosecutrix inasmuch as no injury was seen on her person. Still Further, both the complainant and the prosecutrix on stepping into the witness box did not support the case of the prosecution and were declared hostile. Learned counsel for the petitioner, therefore, seeks concession of bail as only 9 out of 15 prosecution witnesses cited so far have been examined, hence, there is no likelihood of the trial concluding in the near future.

Per contra, learned State counsel while opposing the prayer of learned counsel for the petitioner on instructions from ASI Satpal Singh has

not been able to controvert the factum of both the complainant and the prosecutrix not having supported the case of the prosecution and having been declared hostile.

Heard.

In view of the submissions made by learned counsel and the fact that the petitioner has been in custody since 21.05.2020, the trial is unlikely to conclude in the near future more so in the wake of outbreak of pandemic Covid-19. Hence, 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

25.03.2021

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Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No