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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-9089-2021 (O&M)

Date of decision : 07.09.2021

Rahul

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR.JUSTICE RAJESH BHARDWAJ

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Present: Mr. Ravi Malik, Advocate  
for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

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**RAJESH BHARDWAJ, J. (Oral)**

Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

**CRM-22403-2021**

Application is allowed as prayed for.

Annexure P-6 is taken on record.

**CRM-M-9089-2021**

Petitioner has approached this Court by way of filing petition under Section 439 Cr.P.C. seeking grant of regular bail in FIR No.236 dated 26.09.2020, registered under Sections 363, 366-A of the Indian Penal Code, 1860 and Section 4 of The Protection of Children from Sexual Offence Act, 2012 (for short 'the Act'), at Police Station Sadar Narwana, District Jind.

As per the factual material of the case, the FIR in question was registered by the father of the prosecutrix namely, Tejbir, who had alleged that his daughter (victim) who was minor was found missing from the house in the night and he doubted that the petitioner had allured her on the pretext of marriage from the house and hence, legal action be taken. Thereafter, the investigation commenced and the petitioner was arrested on 26<sup>th</sup> September, 2020.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the FIR and no offence as alleged has been made out against him. He submits that the prosecutrix is also not minor and she is above 18 years. However, he has submitted that the material witnesses have now been examined before the trial Court and their depositions have been placed on record. He submits that the complainant, who is none other than the father of the prosecutrix, has been examined as PW-1, victim as PW-2 and the mother of the victim Rani as PW-3 and their depositions would show that all these three material witnesses have been declared hostile as they did not support the case of the prosecution. He submits that in view of the depositions of all the three material witnesses, the prosecution is left with no case to be proved against the petitioner. He submits that the petitioner who is behind bars since 26<sup>th</sup> September, 2020, deserves to be granted regular bail.

On the other hand, learned State counsel vehemently opposes the contentions raised by learned counsel for the petitioner and submits that the prosecutrix is minor and the allegations against the petitioner are serious in nature. He submits that the prosecution has cited 16 prosecution witnesses, out of which 06 have been examined. However, he is not in a position to

deny that the material witnesses have already turned hostile.

I have heard learned counsel for the parties and perused the record.

In view of the facts and circumstances of the case and the fact that the petitioner is behind bars since 26<sup>th</sup> September, 2020 and the material witnesses have not supported the case of the prosecution and the trial would take some time in its conclusion, I find that the petitioner deserves to be enlarged on bail. The present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

( **RAJESH BHARDWAJ** )  
**JUDGE**

**07.09.2021**  
*m. sharma*

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |