

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

CRM-M-10745-2021
Date of decision: 29.10.2021

Dharambir SinghPetitioner

Versus

State of HaryanaRespondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Rahul Rathore, Advocate
for the petitioner.

Mr. Gagandeep Singh Chhina, AAG, Haryana.

Mr. Sanpreet Sandhu, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

This is the second petition filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.157 dated 19.03.2020 lodged under Sections 323, 376, 452, 506 IPC, 1860 registered at Police Station Gharaunda District Karnal.

Learned counsel for the petitioner has reiterated the submissions made on the previous date of hearing that both the petitioner and the prosecutrix were in a consensual relationship with each other which found duly reflected from the number of telephonic calls between them. Learned counsel for the petitioner while inviting the attention of this Court to the deposition of the prosecutrix, which has been placed on record today in Court, has submitted that his false implication in the case in hand stood duly substantiated as the prosecutrix while stepping into the witness box as PW-1 had not supported the case of the prosecution and had in no uncertain

terms deposed that the petitioner had not committed any wrong act upon her.

Per contra, learned State counsel assisted by counsel for the complainant has not been able to controvert the submissions made by counsel opposite qua the prosecutrix having declared hostile during trial.

Heard learned counsel and perused the material available on record.

In the facts and circumstances of the case as well as submissions made by learned counsel coupled with the fact that the petitioner has been in custody since 10.06.2020, the present petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. 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.

29.10.2021
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(MANJARI NEHRU KAUL)
JUDGE

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