

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

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**CRM-M-12649-2021(O&M)
Decided on :15.07.2021**

BOOTA SINGH

. . . Petitioner(s)

Versus

STATE OF HARYANA

. . . Respondent(s)

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL
(Through Video Conferencing)**

PRESENT: Mr.Ankit Bisnoi, Advocate for the petitioner.

Ms. Gaganpreet Kaur , AAG Haryana
assisted by SI Sadhu Ram.

MANJARI NEHRU KAUL, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C., for grant of regular bail to the petitioner in case FIR No.458, dated 12.10.2020 under Sections 376(2)(N), 506, 34 and 120-B of the IPC; Section 67 of Information and Technology (Amendment) Act and Section 6 of POCSO Act, registered at Police Station Rania, Sirsa District Sirsa.

Learned counsel submits that his false implication is evident from the fact that during trial both the material witnesses i.e., prosecutrix who stepped into the witness box as PW-1 and the father of the prosecutrix who stepped into the witness box as PW-2, did not support the case of the prosecution and were declared hostile. Learned counsel further submits that the petitioner has been in custody since 12th October 2020 and the trial is unlikely to conclude in the near future as only 2 out of the 27 prosecution witnesses cited have been examined so far.

Per contra, learned State counsel while opposing the prayer and submissions made by the learned counsel for the petitioner on instructions from SI Sadhu Ram has not been able to controvert the factum

of 2 material witnesses including the prosecutrix turning hostile.

Heard.

In view of the submissions made by learned counsel for the parties, I deem it a fit case for grant of the concession of regular bail to the petitioner as the trial is unlikely to conclude in the near future, more so, in the prevailing conditions due to the outbreak of COVID-19. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed as an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

July 15, 2021

S.Sharma(syr)

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No