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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-13328-2021 (O&M)

Date of Decision: 31.03.2021

Sadik

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Raghav Dayal Gupta, Advocate,
for the applicant/petitioner.

Mr. Vishal Malik, DAG, Haryana,
for the respondent-State.

SUDIP AHLUWALIA, J. (ORAL)

CRM-9129-2021

Allowed as prayed for, subject to all just exceptions.

CRM-M-13328-2021

This is a petition for regular bail filed on behalf of the petitioner under Section 439 Cr.P.C. in case FIR No.59 dated 05.05.2019, under Sections 363, 366-A, 34 & 376 of the IPC, registered at Police Station Chachrauli, District Yamuna Nagar.

[2]. The petitioner has remained in detention in the present case for almost 2 years, since 08.05.2019.

[3]. Attention of the Court has been drawn by Ld. Counsel for the petitioner to the statement of the Prosecutrix as PW-1 in the Ld. Trial Court in which she had virtually exonerated the petitioner and was even declared hostile on behalf of the prosecution. Further attention is drawn to the statement of PW-7, who happens to be Women & Child Development

Project Officer, Chhachhrauli, and according to whom the date of birth of the victim as maintained in her Office was 14.12.2000. As such, she would clearly appear to have crossed the age of majority on the relevant date, i.e. 04.05.2019.

[4]. In such circumstances, further detention of the petitioner for an indefinite period at this stage is not called for, since admittedly all the material witnesses from the prosecution side have already been examined, and the trial is now lingering on for evidence of the formal/official witnesses only.

[5]. For the aforesaid reasons, without commenting any further on the merits of the present case as a whole, but in view of the detention undergone by the petitioner, the prayer of the petitioner for regular bail is allowed and he is ordered to be released on bail subject to appropriate terms and conditions to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

[6]. Disposed off.

31.03.2021

Bhumika

**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/reasoned: Yes/No

2. Whether reportable: Yes/No