

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

212

CRM-M-16443-2021

Date of Decision: 13.12.2021

Dharmender Rana

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Vinod Ghai, Sr. Advocate with
Ms. Kanika Ahuja, Advocate and
Mr. Edward Augustine George, Advocate
for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

Mr. J.S. Mehndiratta, Advocate
for the complainant.

Manjari Nehru Kaul, J.(Oral)

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner, in case FIR No.92 dated 20.02.2021 under Sections 328, 376 and 34 IPC, registered at Police Station Shivaji Colony, District Rohtak.

Learned senior counsel appearing for the petitioner has filed the deposition of the prosecutrix, which is taken on record.

While inviting attention of the deposition of the prosecutrix, learned senior counsel submits that while stepping into witness-box as PW-1, she did not support the case of the prosecution and as a result of which, she was declared hostile. Hence, it has been urged that it leaves no manner of doubt that the petitioner has been falsely implicated in the case in hand.

Learned senior counsel for the petitioner further submits that the prosecutrix is the sole material witness and as her evidence already stands recorded, further incarceration of the petitioner who has been in custody since 20.02.2021, would not serve any useful purpose.

Per contra, learned State counsel assisted by learned counsel for the complainant, on instructions from SI Raj Karan, has not been able to dispute the factum of the prosecutrix i.e. the sole material witness, having turned hostile during trial. She has further submitted that 18 prosecution witnesses remain to be examined.

Heard.

In the facts and circumstances as enumerated hereinabove and the factum of the prosecutrix hostile during trial, the instant petition is allowed as the trial is unlikely to conclude in the near future. The petitioner is ordered to be released on 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.

(MANJARI NEHRU KAUL)
JUDGE

13.12.2021

D.Bansal

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