

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

110+216

(Through Video Conferencing)

CRM-33919-2021 in/and

CRM-M-16602-2021

Date of decision: 10.11.2021

Anuj

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Parminder Singh, Advocate
for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

CRM-33919-2021

Prayer in this application is for placing on record the deposition of the prosecutrix as Annexure P-5.

For the reasons mentioned in the application, the same is allowed and the deposition of the prosecutrix is taken on record as Annexure P-5.

CRM-M-16602-2021

This is the first petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.216 dated 26.11.2019 lodged under Sections 346, 342, 376 and 506 IPC and Section 3(2)(V) of the SC/ST Act, 1989 registered at Police Station Sector 32-33, Karnal, District Karnal.

Learned counsel for the petitioner submits that a totally false and fabricated case has been planted upon the petitioner which further finds credence from the fact that while stepping into the witness

box as PW-1, the prosecutrix did not support the case of the prosecution and rather stated that no rape had been committed upon her. In support of his submission, learned counsel has drawn the attention of this Court to Annexure P-5 which is the deposition of the prosecutrix. Leaned counsel has, therefore, prayed that the petitioner be extended the concession of bail as he has now been in custody since 19.03.2021 and the sole material witness i.e. the prosecutrix stands examined.

Per contra, learned State counsel on instructions has not been able to controvert the submissions made by learned counsel for the petitioner that the prosecutrix did not support the case of the prosecution during trial and was, thus, declared hostile. Learned State counsel has apprised the Court that 15 more prosecution witnesses remain to be examined before the trial Court.

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

In view of the facts and circumstances as enumerated hereinabove, the instant 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.

10.11.2021

Vinay

**(MANJARI NEHRU KAUL)
JUDGE**

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