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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-16729-2021 (O&M)

Date of Decision: July 14, 2021

Ravi

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.Nirmal Singh,Advocate for the applicant-petitioner.

Mr.B.S.Virk, Deputy Advocate General, Haryana.

Ms.Monika Jangra, Advocate for the complainant.

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RAJESH BHARDWAJ, J. (ORAL)

Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

CRM-17550-2021

For the reasons mentioned in the application, the same is allowed and CRM-M-16729-2021 is taken up on Board today itself.

CRM-17555-2021

Allowed as prayed for and Annexure P3 to P6 are taken on record.

CRM-M-16729-2021

Instant petition has been filed under Section 439 CR.P.C. seeking regular bail to the petitioner in case FIR No.105 dated 25.10.2020 under Sections 363, 366-A, 506 IPC and Section 4 of the POCSO Act, (Section 376(3) IPC added later on), registered at Police Station Women,

Learned counsel for the petitioner contends that the petitioner was falsely implicated in the present case at the behest of mother of the victim. It is further contended that petitioner is behind bars since 26.10.2020 and thereafter the victim side also compromised the matter. He further contends that the complainant and the victim are examined by the prosecution during trial and both have not supported the case of the prosecution and have been declared hostile. He has placed on record the examination of both these witnesses conducted by the trial Court.

Ms.Monika Jangra, Advocate appearing for the complainant, has endorsed the contentions raised by learned counsel for the petitioner, whereas, Mr.B.S.Virk, Deputy Advocate General, Haryana, is opposing the bail application. It is informed by learned State counsel that out of 23 witnesses, only 04 have been examined and trial is likely to take some time.

In totality of the facts and circumstances, when the material witnesses are turned hostile, I find that counsel for the petitioner has made out a case for grant of bail to the petitioner. The trial would take some time for its conclusion and no purpose would be served by keeping the petitioner behind the bars for further period.

Application is allowed.

Bail to the satisfaction of trial Court/Duty Magistrate concerned.

However, nothing stated herein shall be taken as an expression of opinion on the merits of the case.

July 14, 2021
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(RAJESH BHARDWAJ)
JUDGE

1. Whether speaking/reasoned ?
2. Whether reportable ?

Yes/No
Yes/No