

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

201

**CRM-M-17481-2021
Decided on : 28.06.2021**

Vikram @ Sandeep

... Petitioner

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr.Ravi Pratap Singh, Advocate, for the petitioner.

Ms.Kirti Singh, DAG, Haryana.

(The proceedings are being conducted through video conferencing,
as per instructions.)

G.S. Sandhawalia, J. (Oral)

Prayer in the present third petition, filed under Section 439 Cr.P.C., since the first 2 petitions were dismissed as withdrawn on 07.09.2020 and 03.03.2021, is for grant of regular bail to the petitioner in FIR No.219 dated 19.05.2020, registered under Sections 376, 506 IPC, 1860 at Police Station City Gohana, District Sonipat.

The ground taken in the present case is that the prosecutrix herself has turned hostile and not supported the case of the prosecution on 24.02.2021. Similarly, her husband also resiled from the statement recorded earlier before the Addl.Sessions Judge, Sonapat on 24.02.2021. Petitioner is stated to be the husband of the Bua and is stated to have committed rape upon the prosecutrix. After the dismissal of the 2 bail applications, the third bail application was also filed before the Trial Court wherein the same was dismissed on the ground that though the prosecutrix did not support the case, the petitioner on being released on bail could give threats to other prosecution witnesses.

Counsel for the petitioner has also pointed out the order dated 24.02.2021 whereby while issuing notice of motion under Section 344 Cr.P.C., a fine of Rs.500/- each was imposed upon the prosecutrix and her husband (Annexure P-4).

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Keeping in view the above facts and circumstances, since the parties are closely related and the complainant had not supported her own case, this Court is of the opinion that no tangible purpose would be served by keeping the petitioner in further custody since the trial is likely to take sometime to conclude.

Accordingly, in view of the above, the present application is allowed and the petitioner shall be released on bail, on furnishing of surety/bail bonds, to the satisfaction of the CJM /Duty/Illaqa Magistrate, Sonipat.

JUNE 28, 2021

sailesh

**(G.S. SANDHAWALIA)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No