

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

(Through Video Conferencing)

CRM-M-18366-2021

Date of Decision: 19.08.2021

BHUPENDER

.....Petitioner

V/s.

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL.

Present: Mr. Anuj Arya, Advocate,
for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

MANJARI NEHRU KAUL, J. (Oral)

This is the first petition filed under Section 439 of the Code of Criminal Procedure for grant of concession of regular bail to the petitioner in case FIR No.204 dated 23.02.2019 lodged under Section 363, 365, 366-A, 376(3) of the Indian Penal Code, 1860 and Section 6 of the Protection of Children from Sexual Offences Act, 2012 registered at Police Station Chandni Bagh, Panipat, Haryana.

Learned counsel for the petitioner, *inter alia*, contends that the petitioner has been falsely implicated in the case in hand which is evident from the fact that both the material witnesses i.e. the complainant and the prosecutrix, did not support the case of the prosecution and as a result of which they were declared hostile. He has submitted that the petitioner has been in custody since 30.04.2019 and there is no likelihood of the trial concluding in the near future as only 10 out of 17 prosecution witnesses stand examined. Therefore, the petitioner be extended the concession of regular bail.

Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from ASI Ravi Shankar, has not been able to controvert the factual aspect of the submissions made by the learned counsel for the petitioner. She has very fairly conceded the fact that the complainant and the prosecutrix resiled from their earlier statements and did not support the case of the prosecution. She has further admitted that 10 out of 17 prosecution witnesses stand examined so far.

Heard.

In view of the submissions made by learned counsel for the petitioner and the fact that the petitioner has been in custody since 30.04.2019, the trial is unlikely to conclude in the near future, the present petition is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. 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.

August 19, 2021
Ess Kay

[MANJARI NEHRU KAUL]
JUDGE

<i>Whether speaking / reasoned</i>	:	<i>Yes</i>	/	<i>No</i>
<i>Whether Reportable</i>	:	<i>Yes</i>	/	<i>No</i>