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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-18824-2021

Date of decision : 10.08.2021

Sonu

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr. Rahul Jaswal, Advocate
for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

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.

The present petition is filed under Section 439 Cr.P.C. seeking grant of regular bail in case FIR No.0384 dated 09.07.2020, registered under Section 365 of the Indian Penal Code, 1860 (later on Section 365 IPC has been deleted and Sections 363, 366A, 376 IPC and Section 4 of POCSO Act has been added), at Police Station Chandani Bagh, Panipat (Haryana).

It has been contended by learned counsel for the petitioner that the petitioner has been falsely implicated in the FIR and he is behind bars since 10th July, 2020. He has drawn the attention of this Court to the deposition of the prosecutrix who has been examined as PW-1 and resiled from the statement and thus, did not support the case of the prosecution.

Besides this, mother of the victim who is examined as PW-2 also resiled

from statement and did not support the prosecution. Thereafter, father of the victim was examined as PW-3 who also resiled from the statement and did not support the prosecution. He vehemently contends that all the three material witnesses turned hostile and thus, the custody of the petitioner is not warranted. However, he submits that the petitioner is on interim bail granted vide order dated 21.05.2021.

Learned State counsel affirms the factual contentions raised by counsel for the petitioner that all the three witnesses have turned hostile and petitioner is behind since 10th July, 2020.

In the overall facts and circumstances of the case and keeping in view the custody period undergone by the petitioner, I find that learned counsel for the petitioner has succeeded in making out a case for bail to the petitioner. The present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(**RAJESH BHARDWAJ**)
JUDGE

10.08.2021
m. sharma

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