

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

CRM-M-18920-2021

Date of decision : 05.07.2021

Saleem @ Baba

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr. Namit Khurana, 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 FIR No.19 dated 09.02.2020 registered under Sections 365 and 376-D of the Indian Penal Code at Police Station Sadhaura, District Yamuna Nagar.

Learned counsel for the petitioner has contended that though the petitioner has been named in the FIR but the victim and mother of the victim both have turned hostile and have not supported the case of the prosecution and their statements are placed on record. He has further contended that similarly situated co-accused namely, Ravi Kumar has been enlarged on bail by this Court vide order dated 12th March, 2021.

Though Mr. Manish Bansal, DAG, Haryana has opposed the prayer for grant of regular bail to the petitioner but he is not in a position to

distinguish the case of the petitioner from that of the co-accused Ravi Kumar who has been granted bail by this Court and also not in a position to deny the factum that the victim and the mother of the victim have not supported the case of the prosecution. He has further brought to the notice of this Court that out of 14 prosecution witnesses, only 08 witnesses are examined and 06 are yet to be examined.

Petitioner was arrested on 10.02.2020 and as per the custody certificate placed on record, his total custody is 01 year, 04 months and 24 days.

In the totality of the facts and circumstances of the case, 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

05.07.2021
m. sharma

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