

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

110+219

**CRM-M-19117-2021 (O&M)
Decided on : 16.08.2021**

VIJAY RAWAL

. . . Petitioner(s)

Versus

STATE OF HARYANA

. . . Respondent(s)

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL
(Through Video Conferencing)**

PRESENT: Mr. Sube S Kaushik, Advocate
for the applicant-petitioner(s).

Ms. Tanushree Gupta, DAG Haryana
assisted by ASI Rajesh.

MANJARI NEHRU KAUL, J. (Oral)

CRM-22784-2021

Through the instant application, learned counsel is seeking to place on record the evidence of prosecution witness No.2 (complainant) and evidence of the prosecution witness No.3 (victim) as Annexure A-1.

For the reasons mentioned in the application, the same is allowed. Annexure A-1 is taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

CRM-M-19117-2021

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.117, dated 03.12.2020 under Sections 354-A, 354-D, 120-B and 506 of the IPC and Sections 10, 12 of the POCSO Act registered at Police Station Women Jind.

Learned counsel submits that the false implication of the petitioner in the FIR in question is evident from the fact that both the material witnesses i.e., the prosecutrix as well as the complainant did not support the

case of the prosecution during trial and were declared hostile. In support of his submissions, he has invited the attention of this Court to the deposition of the complainant as well as the victim, which has been annexed as Annexure A-1. It has been submitted that the petitioner has been in custody since 05th December 2020 and there is no likelihood of the trial concluding any time in the near future, hence he be extended the concession of bail.

Per contra, learned State counsel while opposing the prayer and submissions of the learned counsel for the petitioner on instructions from ASI Rajesh has fairly conceded that both the material witnesses were declared hostile during trial. She further submits that 03 out of 10 prosecution witnesses cited have been examined so far.

Heard.

In view of the submissions made by learned counsel for the parties, I deem it a fit case to extend the concession of bail to the petitioner, as the trial is unlikely to conclude in the near future. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed as an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

August 16, 2021
S.Sharma(syr)

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