

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

(Heard through VC)

CRM Nos.27591 and 27593 of 2021 in/and
CRM -M-19254 of 2021 (O&M)
Date of Decision: September 08, 2021

Anshu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Mahir Sood, Advocate
for the petitioner.

Ms. Mahima Yahspal, DAG Haryana.

JAISHREE THAKUR, J. (Oral)

CRM-27593-2021

This is an application that has been filed seeking to prepone
hearing in the main case, which is now listed for 06.10.2021.

For the reasons mentioned in the application, the same is
allowed. Hearing in the main case is preponed and the same is taken up for
hearing today.

CRM-27591-2021

Allowed as prayed for.

Statement of prosecutrix is taken on record as Annexure P-13.

CRM-M-19254-2021

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.09 dated 04.02.2020, under Sections 376-D, 342, 114, 506 of Indian Penal Code, registered at Police Station City Women West, District Gurugram.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 23.08.2020. It is argued that the petitioner was not named in the FIR. It is submitted that two persons named in the FIR are already on anticipatory bail, apart from submitting that the prosecutrix has now turned hostile and did not support the prosecution version. It is also contended that conclusion of trial is likely to take sufficient time, as such, the petitioner is entitled to be enlarged on bail.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner by contending that the prosecutrix had initially identified the petitioner as one of the persons, who had committed the offence under Section 376 of IPC and his call record shows that he was present in the same area at the relevant time. However, she is not able to dispute the fact that statement of the prosecutrix has been recorded, who has turned hostile.

I have heard learned counsel for the parties.

In view of the facts that conclusion of trial is likely to take sufficient time and that statement of the prosecutrix has been recorded, who has turned hostile and did not support the prosecution version and that the

petitioner will not be in a position to influence the material witness, no useful purpose would be served in keeping the petitioner behind bars. At this stage, without commenting on the merits of the case, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate.

However, anything observed or said by this court is only for the purpose of deciding the instant petition for grant of regular bail and the same shall have no affect on the merits of the case.

September 08, 2021
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No