

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

CRM-M-19521-2021

Date of decision : 16.08.2021

Harpreet Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr. Vishva Nath Sharma, Advocate
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

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.100 dated 16.12.2019, registered under Sections 363 and 366-A of the Indian Penal Code, 1860 (later on added Section 376 IPC and Section 4 of POCSO Act, 2012), at Police Station Ghanaur, District Patiala.

The FIR in question was lodged by the mother of the prosecutrix namely, Shakuntla Devi. After registration of the FIR, the petitioner was arrested on 21st January, 2020 and the investigation commenced. The statement of the prosecutrix/victim was recorded and she alleged that the offence have been committed by the petitioner. However, counsel for the petitioner contends that during the trial, mother of the prosecutrix has been examined as PW-1 and she has not supported the case of the prosecution

and as a result, was declared hostile. Her examination is appended as Annexure P-3 with this petition. He further contends that the victim/prosecutrix was examined as PW-2 and even she also failed to support the case of the prosecution and was declared hostile. The sum and substance of arguments raised by counsel for the petitioner is that the petitioner was falsely implicated in this case and the same is writ large from the perusal of the examination of both these material witnesses. He submits that the petitioner is behind bars from last about 1 year and 6 months and in the facts and circumstances, his further incarceration is unwarranted.

Mr. M.S. Nagra, AAG, Punjab for the State affirms the contentions raised by counsel for the petitioner that both the material witnesses have failed to support the case of the prosecution and are declared hostile. However, he submits that they are in all 25 witnesses, out of which 8 are examined so far.

The trial is likely to take some time for final disposal. In the overall facts and circumstances of the case and keeping in view the custody period undergone by the petitioner, the Court finds 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.

16.08.2021
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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