

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

CRM-M-22074-2021

Date of Decision: 7.7.2021

Rajpal @ Dhillla

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. S.S. Mor, Advocate, for the petitioner.

Mr. Manish Bansal, Deputy Advocate General, 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.

Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.212 dated 23.9.2020 under Sections 323, 34, 342, 365, 376, 511 IPC and Section 6 and 18 of POCSO Act, 2012 (subsequently added Section 376-D IPC and Section 4 of POCSO Act, 2012) registered at Police Station Badli, District Jhajjar.

It has been contended by learned counsel for the petitioner that the petitioner has been falsely implicated in the case as no offence as such has been committed by him. However, a false FIR has been got registered by the mother of the victim. He vehemently contends that after the registration of the FIR, challan was presented, charges were framed and the material witnesses, i.e. the victim and her parents, were examined and out of all three witnesses, no one has supported the case of the prosecution and they have been declared hostile. Learned counsel for the petitioner has drawn my attention to their deposition which are placed on record as

Annexures P-2 to P-4.

Learned State counsel has endorsed the contentions raised by learned counsel for the petitioner to the extent that the material witnesses in the trial i.e. PW-1 to PW-3 have turned hostile. The petitioner is behind the bars since 2.2.2021. He further states that there are total 19 prosecution witnesses.

The trial is likely to take some time. In the totality of the 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 made out a case for grant for regular bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail 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

7.7.2021
sharmila

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No