

104.

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

**CRMs-29204 & 29208-2021 IN/AND
CRM-M-22264-2021**

Date of Decision: 20.09.2021

(Heard through VC)

ROHIT

.... Petitioner

Versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. S.S. Kamboj, Advocate,
for the petitioner.

Ms. Mahima Yashpal, DAG, Haryana.

JAISHREE THAKUR.J (Oral)

CRM-29208-2021

Prayer in this application filed under Section 482 Cr.P.C. is for preponement of the main petition, which is otherwise fixed for hearing on 11.11.2021.

For the reasons mentioned in the application, same is allowed and the hearing of the petition is preponed and the same is taken on board today itself.

CRM-29204-2021

Application is allowed, as prayed for.

The statement of the victim (Annexure P-6) is taken on record.

CRM-M-22264-2021

This is a petition that has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.29, dated 09.02.2021, registered under Sections 363, 366-A of IPC (Section 366-A IPC deleted and Sections 376(3), 366, 328, 120-B IPC and Section 17 of POCSO Act, 2012 added lateron), at Police Station Babain, District Kurukshetra.

Learned counsel for the petitioner herein would contend that the petitioner has been falsely implicated in the said matter as would be evident from the statement of the prosecutrix that has been given. His name was not reflected under Section 164 Cr.P.C. and in the deposition, the only role attributed to him is that he took the prosecutrix along with the main accused and left them at Bus Stand, Yamuna Nagar. It is argued that the main allegations of committing the offence of rape are against one Vishal. Apart from that, it is also argued that the custody of the petitioner would no longer be required as the statement of the material witness has been recorded and therefore, the question of petitioner influencing her deposition would not arise. The trial in the case will take some time as out of 17 witnesses, only 2 have been examined.

Learned State counsel opposes the regular bail by contending that the petitioner herein has been nominated as an accused under the said FIR. However, she is not in a position to dispute that the statement of the material witness stands recorded and only 2 witnesses have been examined so far.

I have heard learned counsel for the parties.

Keeping in view the fact that the statement of prosecutrix has been recorded; petitioner is in custody since 06.03.2021 and the trial in the case will take some time to conclude as only 2 witnesses have been examined out of total 17 witnesses, no useful purpose would be served in keeping the petitioner behind the bars any longer.

Accordingly, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of personal bond in a sum of ₹1 lakh with one surety of the like amount to the satisfaction of concerned trial Court/Duty Magistrate.

However, any observation made herein shall not be construed to be an expression of opinion on merits of the case.

(JAISHREE THAKUR)
JUDGE

20.09.2021

sanjeev

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