

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(Through video conferencing)**

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**CRM-M-22447-2021
Date of Decision: 29.06.2021**

ASHISH

... Petitioner

VERSUS

STATE OF HARYANA

....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Davneet Sangwan, Advocate
for the petitioner.

Ms. Vibha Tiwari, AAG, Haryana.

MANJARI NEHRU KAUL, J.(Oral)

This is the first petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.187 dated 08.12.2020 under Sections 365, 376(2)(n) and 506 IPC, registered at Police Station Yamunanagar, District Yamunanagar.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case in hand. He further submits that the petitioner has been in custody 22.12.2020 and there is no likelihood of the trial concluding anytime in the near future. He further submits that the prosecutrix who is a material witness did not support the case of the prosecution and was declared hostile. In support he has invited the attention of this Court to the testimony of the prosecutrix annexed as P-3 wherein it is clearly reflected that she did not support the case of the prosecution.

Per contra learned State counsel has opposed the prayer

of the learned counsel for the petitioner and on instructions from ASI Meena has submitted that there are serious allegations against the petitioner of having continuously raped the prosecutrix. However, she has not been able to controvert the factum of the prosecutrix having not supported the case of the prosecution and having turned hostile.

Heard.

In view of the submissions made by learned counsel for the petitioner and the fact that the petitioner has been in custody since 22.12.2020, the trial is unlikely to conclude in the near future more so in the wake of outbreak of pandemic COVID-19. The present petition is, thus, allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

29.06.2021
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No