

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

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**CRM-M-22946-2021(O&M)
Decided on :29.06.2021**

NEERAJ

. . . Petitioner(s)

Versus

STATE OF HARYANA

. . . Respondent(s)

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL
(Through Video Conferencing)**

PRESENT: Mr.Manvinder Sidhu , Advocate for the petitioner.

Ms. Vibha Tewari, AAG Haryana

MANJARI NEHRU KAUL, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C., for grant of regular bail to the petitioner in case FIR No.0551, dated 09.11.2018 under Sections 363, 366-A, 365, 376, 376(2)(D)(A), 201 of the IPC; Section 6 of the POCSO Act and Section 3(2)(V) of the SC & ST Act, registered at Police Station Urban Estate Rohtak, District Rohtak.

Learned counsel submits that false implication of the petitioner in the case in hand is evident from the fact that neither did the prosecutrix name any of the accused in her statement under Section 164 Cr.P.C., nor did she support the case of the prosecution during her deposition as PW-5 before the trial Court. Learned counsel in support of his submissions has invited the attention of this Court to statement of the prosecutrix under Section 164 Cr.P.C., (annexed as Annexure P-1), the deposition of the prosecutrix (Annexed as Annexure P-2) and mother of the prosecutrix (annexed as Annexure P-3) before the trial Court, which clearly reflects that both the prosecutrix and her mother were declared hostile during the trial as they did not support the case of the prosecution.

Learned counsel submits that the petitioner has been in custody

for almost two and a half years and there is no likelihood of the trial concluding any time in the near future as a number of prosecution witnesses still remain to be examined.

Per contra, learned State counsel while opposing the prayer and submissions made by the learned counsel for the petitioner on instructions from ASI Sarita Rohtak has not been able to controvert the factum of the two material witnesses i.e., prosecutrix and her mother having turned hostile during trial on account of not supporting the case of the prosecution. She has also not been able to controvert the fact that the petitioner was not named in the statement of the prosecutrix recorded under Section 164 Cr.P.C., nor any role attributed to him in the crime in question.

Heard.

In view of the submissions made by learned counsel for the parties, I deem it a fit case for grant of the concession of regular bail to the petitioner as the trial is unlikely to conclude in the near future, more so, in the prevailing conditions due to the outbreak of COVID-19. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed as an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

June 29, 2021

S.Sharma(syr)

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