110.

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-32220-2021 IN/AND
CRM-M-23082-2021
Date of Decision: 06.10.2021

SACHIN .... Petitioner

Versus

STATE OF HARYANA .... Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Bhupinder Ghanghas, Advocate,
for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

JAISHREE THAKUR.J (Oral)

CRM-32220-2021

Application is allowed, as prayed for.

Documents Annexures P-7 and P-8 are taken on record.

CRM-M-23082-2021

This is a petition that has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner, pending trial, in case FIR No.09, dated 04.02.2020, registered under Sections 376-D, 342, 506 of IPC at Police Station Women West Gurugram, District Gurugram.

Learned counsel for the petitioner herein would pray for grant of regular bail by contending that the statement of the prosecutrix has been recorded qua the petitioner herein and she has not supported the prosecution

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version. It is submitted that the petitioner has been falsely implicated in the said case. He is in custody since 23.08.2020 and as the material witness has already been examined, the possibility of the petitioner herein influencing the testimony would no longer arise. Moreover, the trial is likely to take some time to conclude.

Per contra, learned counsel appearing on behalf of the respondent-State would fairly submit that the prosecutrix has been examined and she turned hostile.

I have heard learned counsel for the parties.

Keeping in view the fact that the statement of the prosecutrix has been recorded qua the petitioner herein and she has turned hostile and the fact that trial is likely to take some time to conclude, 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 adequate personal bond and surety bond 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

06.10.2021
sanjeev

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

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