

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

106+223

CRM-M-23213-2021(O&M)
Decided on : 26.10.2021

ISHAK ALI @ SAHIL

....Petitioner(s)

Versus

STATE OF HARYANA

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. Abhimanyu Singh, Advocate
for the petitioner.

Mr. Gagandeep Singh Chinna, AAG Haryana
assisted by LSI Rashmi.

MANJARI NEHRU KAUL, J. (Oral)

CRM-35163-2021

The instant application has been filed for placing on record the statements of PW-2 and PW-3 as Annexures P-4 and P-5.

For the reasons mentioned in the application, same is allowed. Annexures P-4 and P-5 are taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

CRM-M-23213-2021

The instant petition has been filed under Section 439 Cr.P.C., for grant of regular bail to the petitioner in case FIR No.13, dated 20.02.2021 under Sections 376 and 506 of the IPC and Section 4 of the POSCO Act registered at Police Station Manesar, District Gurugram.

Learned counsel submits that the prosecutrix, who is a material witness has since been examined and thus his further incarceration would not serve any useful purpose as he has been in custody since 04th March 2021. He has reiterated his submission that the prosecutrix had been

pressurized to plant the case in question, which found support from the contents of her statement recorded under Section 164 CrPC, made on the last date of hearing.

Per contra, learned State counsel while opposing the prayer and submissions of the counsel opposite on instructions from LSI Rashmi has not been able to controvert the factum of the prosecutrix declining to subject herself to any medical examination and also contends that in the statement recorded under Section 164 CrPC, she had stated that it was under the pressure of a social organization, she had been compelled to get the FIR in question registered against the petitioner. He has further apprised the Court that 16 more prosecution witnesses remain to be examined and the next date before the trial Court for the examination of the prosecution witnesses is 04th December 2021.

I have heard learned counsel and perused the material on record.

In view of the the facts and circumstances as enumerated hereinabove, the instant petition is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that anything contained in this order shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

October 26, 2021
S.Sharma(syr)

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>