

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(202)

CRM-M-26016-2021

Date of decision: - 16.07.2021

Karan Singh

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Gursimran Singh Madaan, Advocate
for the petitioner.

Mr. Sharad Aggarwal, Assistant Advocate General, Haryana.
(keeping in view the advance copy given).

(Through Video Conferencing)

HARSIMRAN SINGH SETHI, J. (ORAL)

Present is the third petition filed under Section 439 Cr.P.C.
for the grant of regular bail to the petitioner in respect of FIR No.182
dated 22.07.2019, registered under Sections 363, 366-A, 376, 511 & 506
read with Section 34 IPC and under Section 8 of the Protection of
Children from Sexual Offence Act, 2012, at Police Station Ellenabad,
District Sirsa.

Learned counsel for the petitioner argues that the prosecutrix
has already been examined and she has not supported the prosecution
version in her cross-examination and therefore, keeping the petitioner
behind the bars any further will serve no purpose. Learned counsel for the
petitioner further argues that the petitioner is behind the bars for the last

approximately two years and therefore, keeping in view the facts that the prosecutrix has already been examined, petitioner be granted the benefit of regular bail.

Notice of motion.

Mr. Sharad Aggarwal, Assistant Advocate General, Haryana, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned State counsel submits that in the examination-in-chief, the prosecutrix had supported the prosecution version and her cross-examination was deferred and thereafter, in the cross-examination, she has not supported the prosecution version. Learned State counsel further submits that the cross-examination needs to be ignored as the petitioner is accused of a heinous crime and does not deserve to be released on regular bail.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Once, the prosecutrix has already been examined and has not supported the prosecution story while being cross-examined, keeping the petitioner behind the bars any further will serve no purpose. It is made clear that this Court is not rendering any opinion upon the merits of the trial or evidence adduced so far. It is for the trial Court to ascertain whether the petitioner is guilty or not keeping in view the evidence which will come on record during the trial.

In view of the above and without commenting upon the

merits of the case, it is directed that the petitioner be released on regular bail, if not required to be detained in any other case, subject to the satisfaction of the trial Court/Duty Magistrate concerned.

Learned counsel for the petitioner undertakes that petitioner will not influence the trial in any manner and in case of default of the above undertaking, the State/complainant will be at liberty to approach this Court for passing appropriate orders.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

July 16, 2021
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(**HARSIMRAN SINGH SETHI**)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No