

Hariom alias Hari Ram

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJPresent: Mr. Vishva Nath Sharma, Advocate and
Mr. Sanjeev Sheoran, Advocate, for the petitioner.

Mr. Manish Bansal Deputy Advocate General, Haryana.

Rajesh Bhardwaj, J. (ORAL)

Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.14 dated 27.1.2021 under Section 4 of POCSO Act, 2012 and Sections 506, 509 IPC (Section 4 of POCSO Act, 2012 was deleted and Sections 5(L), 6, 12 of POCSO Act, 2012 and Section 376(2)(n) IPC were added later on) registered at Police Station Women Police Station, Yamuna Nagar.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. Learned counsel for the petitioner further contends that the false implication of the petitioner is writ large from the very fact that both the victim and the complainant of this FIR were examined by the trial Court, wherein, both declined to support the case of the prosecution and were declared hostile. He has drawn my attention to deposition of these witnesses, which are annexed as Annexures P-2 and P-3 with the petition. He further contends that the petitioner is languishing in jail since 19.2.2021 and as the material witnesses have not supported the

case of the prosecution, his incarceration behind bars is totally unwarranted. The trial would take sufficient long time, hence, the petitioner should be enlarged on bail.

On the other hand, learned State counsel has not denied that fact that both these material witnesses have turned hostile. He further submits that there are total 20 prosecution witnesses out of which only 6 witnesses are examined till date.

I have heard learned counsel for the parties and perused the record.

In the totality of the facts and circumstances of the case, I find that the material witnesses have already turned hostile and out of total 20 prosecution witnesses only 6 witnesses are examined. Learned counsel for the petitioner has made out a case for grant of regular bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

15.7.2021
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Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No