

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

217

**CRM-M-28096-2021
Decided on : 29.07.2021**

Mukesh

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. Ravinder Hooda, Advocate
for the petitioner(s).

Ms. Tanushree Gupta, DAG, Haryana
assisted by SI Suraj Bhan.

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. 11, dated 06.01.2020, under Sections 346, 363, 366A, 376, 120-B of IPC and Section 6 of the POCSO Act, registered at Police Station Urban Estate, Rohtak, District Rohtak.

Learned counsel for the petitioner submits that the petitioner has been in custody since 20th August, 2020, on the allegations of having enticed away the prosecutrix aged about 14 years and her friend aged about 18 years, to Punjab and thereafter, allegedly raping them. Learned counsel further submits that all the material witnesses including both the prosecutrix and their mothers stand examined by the trial Court, wherein, they did not support the case of the prosecution, as a result of which, they were declared hostile.

Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions

from SI Suraj Bhan, has very fairly conceded that all the four material witnesses did not support the case of the prosecution and were declared hostile. She has further apprised that 22 prosecution witnesses remain to be examined.

Heard.

In view of the submissions made by learned counsel for the parties and keeping in view the fact that petitioner has been in custody since 20th August, 2020 and the material witnesses stand examined, 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. 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 to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

July 29, 2021

J.Ram

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*