

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

CRM-M-30273-2021
Decided on : 09.08.2021

Sawant Ram

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. D.S.Virk, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

Manjari Nehru Kaul, J.

This is the fourth petition filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.25 dated 11.03.2019 registered under Sections 323, 376 and 452 IPC, 1860 at Police Station Odhan District Sirsa.

Learned counsel for the petitioner inter alia contends that subsequent to the withdrawal of the previous petition on 14.01.2021 (Annexure P-8) the prosecutrix was examined before the trial Court. While inviting the attention of this Court to the deposition (Annexure P-3) of the prosecutrix, who stepped into the witness box as PW-4, learned counsel submits that she did not support the case of the prosecution as a result of which she was declared hostile. The petitioner is in custody since 19.06.2019 and hence, a prayer has been made for extending the concession of bail to the petitioner.

Per contra, learned State counsel while opposing the prayer of learned counsel for the petitioner has not been able to controvert the factual

aspect of the submissions made by learned counsel for the petitioner. She on instructions from SI Madan Lal has admitted that the prosecutrix has not supported the case of the prosecution. She has also very fairly admitted that even as per the FSL report, some discrepancies with respect to the semen detected on the articles sent, was found. She further submits that the remaining prosecution witnesses are likely to be examined on the next date of hearing.

Heard.

In view of the submissions made by learned counsel and the fact that the petitioner has been in custody since 19.06.2019, the trial is unlikely to conclude in the near future. Hence, the present petition is allowed and the petitioner is admitted to bail to the satisfaction of the 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

09.08.2021

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Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No