

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-30012 of 2021(O&M)

Date of Decision:-17.11.2021

Abhey Mishra.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

CORAM:- HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present:- Mr. J.S. Ghumman, Advocate for the Petitioner.

Mr. Gagandeep Singh Chinna, AAG Haryana.

Mr. Robin Gill, Advocate for the Complainant.

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.187, dated 30.06.2020, under Sections 6 of POCSO Act, 2012, registered at Police Station Sector 9-A, Gurugram, District Gurugram.

Learned Counsel for the petitioner contends that false implication of the petitioner in the case in hand finds credence from the fact that while appearing in the witness box as PW-2, the victim aged about 17 years 03 months failed to support the case of the prosecution, as a result of which she was declared hostile. It has been further submitted that since the sole material witness i.e. the victim already stands examined and has not supported the case of the prosecution, his further incarceration would serve

no useful purpose. In support of his contentions, learned Counsel for the petitioner has drawn the attention of this Court to Annexure P-5 i.e. the deposition of victim recorded before the trial Court.

Per contra, learned State Counsel, while opposing the prayer on instructions from ASI Satish Kumar has not been able to controvert the submissions made by the learned Counsel opposite qua the victim resiling from her earlier statement and being declared hostile during the trial. Learned State Counsel has conceded that the prosecutrix is the only material witness in the case in hand. He has further apprised the court that 17 prosecution witnesses remain to be examined and the next date of hearing before the trial Court in 09.12.2021.

Heard.

In the facts and circumstances of the case as enumerated hereinabove, I deem it a fit case to extend the concession of bail to the petitioner as the trial is not likely to be concluded in the near future, coupled with the fact that the victim stands examined before the trial Court.

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

November 17, 2021

Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>