

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

220

**CRM-M-30734-2021 (O&M)
Decided on : 13.12.2021**

Lajja Ram

. . . Petitioner(s)

Versus

State of Haryana

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. Vikas Sheel Verma, Advocate
for the petitioner(s).

Ms. Gaganpreet Kaur, AAG, Haryana
assisted by HC Sanjid.

MANJARI NEHRU KAUL, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of bail to the petitioner in case FIR No. 553, dated 21.10.2020, under Sections 363, 366-A of IPC (later on added Section 376 of IPC) and Section 6 of the POCSO Act, 2012, registered at Police Station City, Palwal (Annexure P-1).

Learned counsel for the petitioner submits that the false implication of the petitioner in the case in hand is evident from the fact that the victim did not level any allegation of any wrong doing against the petitioner by way of even a whisper either in her statement recorded under Section 164 Cr.P.C. or even in her deposition before the trial Court as PW-3. Learned counsel has placed on record the deposition of the victim in Court today. Same is taken on record, subject to all just exceptions. While inviting the attention of this Court to the deposition of the victim, learned counsel submits that she had in no uncertain terms and rather categorically deposed that she had accompanied the petitioner of her own accord and there was no threat extended to her nor was she pressurized by anybody including the petitioner to have any physical relationship with him.

Learned counsel further submits that the victim is the sole material witness in the case in hand and since she has been examined, the petitioner be extended the concession of bail, as his further

incarceration would not serve any useful purpose.

Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions from HC Sanjid, has not been able to controvert the contents of the statements of the prosecutrix recorded under Section 164 Cr.P.C. as well as during her deposition before the trial Court as PW-3. She has conceded that the victim is the sole material witness in the case in hand and 17 more prosecution witnesses remain to be examined.

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

The petitioner has been in custody since 22nd October, 2020 and the sole material witness i.e. the victim, already stands examined. The trial is unlikely to conclude anytime in the near future, as 17 other prosecution witnesses remain to be examined. Therefore, his further incarceration would not serve any useful purpose.

In the facts and circumstances of the case as enumerated hereinabove, the petition is allowed. The petitioner be 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

December 13, 2021

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*