

CRM-M-36921-2021 (O&M)

THROUGH VIDEO CONFERENCE

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

**CRM-M-36921-2021 (O&M).
Decided on: September 13, 2021.**

Veer Singh

.. Petitioner

VERSUS

The State of Haryana

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

**PRESENT Mr.Harpreet S. Rakhra, Advocate,
for the petitioner.**

Mr.Naveen Singh Panwar, DAG, Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 of the Code of Criminal Procedure, seeking regular bail in FIR No.85 dated 13.4.2020, under Sections 376 (2) (n) and 506 IPC, registered at Police Station Kalanwali, District Sirsa.

Learned counsel for the petitioner has submitted that earlier also the petitioner had filed a petition for regular bail vide CRM-M-18798-2020, which he had withdrawn at that stage, in view of the fact that

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at that time, the material witnesses including the prosecutrix had not been examined and the matter was fixed for consideration for framing of charges. He has submitted that now the prosecutrix has been examined and during her examination in the Court while deposing as PW-1, vide Annexure P-2, she has totally resiled from her earlier statement and has categorically stated that the petitioner has done nothing wrong with her.

Learned counsel for the petitioner has further submitted that the petitioner was falsely implicated in the present case on the basis of the wrong statement made by the prosecutrix before the Police and the petitioner is in custody since 13.04.2020. He has submitted that the petitioner is not involved in any other case. He has further submitted that since the material witness who is prosecutrix has been examined and she has turned hostile, no useful purpose will be served in case the petitioner is kept in further custody as conclusion of trial will take some time. He has further submitted that when the medical of the prosecutrix was conducted nothing was detected.

On other hand, learned State counsel has submitted that though the prosecutrix has turned hostile but that is only a factor which is to be considered at the time of final adjudication of the trial and other factors are also important for the purpose of adjudication of the case at the time of trial and therefore, he has opposed the grant of bail on the ground that the matter is serious in nature.

I have heard the learned counsel for the parties.

The petitioner is in custody since 13.04.2020. The

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material witness who is prosecutrix in the present has already been examined and she has turned hostile. Furthermore, as per the learned counsel for the petitioner in the medical examination conducted of the prosecutrix nothing was detected on the samples. Admittedly, the petitioner is not involved in any other case. Furthermore, it is not the case of the State that in case the petitioner is released on bail then he may influence any witness or tamper with evidence or may flee from justice.

Therefore, keeping in view the totality of circumstances of the present case, this Court deems it fit and proper to grant regular bail to the petitioner. Accordingly, the present petition is allowed. It is ordered that the petitioner shall be released on bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant only for the purpose of decision of present petition.

September 13, 2021.
raj arora

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No