

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

CRM-M-35497-2021
Date of Decision: 3.9.2021

Dev Kumar

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Gaurav Chauhan, Advocate, for the petitioner.
Mr. B.S. Virk, Deputy Advocate General, Haryana.

Rajesh Bhardwaj, J. (ORAL)

Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.115 dated 22.2.2021 under Section 376 IPC registered at Police Station Gurgaon Sadar, Gurgaon, Haryana.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated by the prosecutrix on the basis of frivolous allegations. He submits that the FIR was registered on 22.2.2021, wherein it was alleged that the petitioner on the pretext of providing job to the prosecutrix, had taken her to Sanjeevani Hospital, Sector-38 and thereafter, took her to OYO Hotel and committed wrong act with her. On the basis of the same, the present FIR has been lodged and investigation commenced. Thereafter, challan was presented and the trial commenced.

Learned counsel for the petitioner submits that the petitioner is behind bars since 24.2.2021 and the petitioner as well the complainant both are major. He vehemently contends that the false implication of the petitioner is evident from the very fact that the prosecutrix has been examined by the trial Court as PW-3 and after entering into witness box, the prosecutrix has not supported the case of the prosecution and had categorically deposed that the petitioner did not commit any sexual wrong act with her. As a result she has been declared hostile. He has placed on record the deposition of the prosecutrix as Annexure P-3 alongwith the present petition. He further submits that as the material witness has already failed to support the case of the prosecution, further incarceration of the petitioner is unwarranted.

On the other hand, learned State counsel though opposes the submissions made by learned counsel for the petitioner, however, he affirms that the petitioner is behind bars since 24.2.2021 and the prosecutrix has turned hostile. He further submits that there are total 11 prosecution witnesses out of which only the prosecutrix is examined.

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

In the totality of the facts and circumstances of the case, I find that the examination of the rest of the witnesses would take some time. Learned counsel for the petitioner has made out a case for grant for regular bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail to the satisfaction of the concerned trial

Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

3.9.2021
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Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No