

236 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-35894-2021
Decided on : 29.11.2021

Sandeep

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Aman Pal, Advocate
 for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

Manjari Nehru Kaul, J.

Instant petition has been filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.86 dated 15.09.2020 registered under Sections 376(2)(n), 323, 506 IPC, 1860 at Police Station Women Women District Panipat.

Learned counsel for the petitioner submits that a perusal of the FIR in question leaves no manner of doubt that it was a case of consensual relations between two adults. He submits that subsequent to the registration of FIR in question not only had the prosecutrix solemnized marriage with the petitioner, she had also delivered a baby girl. He further submits that while stepping into the witness box as PW-3 and PW-4 the prosecutrix as well as her mother respectively failed to support the case of the prosecution as a result of which, they were declared hostile. It has also been submitted that in the facts and circumstances, further incarceration of the petitioner would be of no avail as 13 prosecution witnesses remain to be examined by the trial Court.

Per contra, learned State counsel on instructions from ASI Amar Singh has not been able to controvert the submissions made by counsel opposite qua both the material witnesses i.e. prosecutrix as well as her mother turning hostile during trial.

Heard learned counsel for the parties and perused the material available on record.

In the facts and circumstances of the case as enumerated hereinabove coupled with the fact that the trial is unlikely to conclude in the near future, the present petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. 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

29.11.2021

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