

Sr. No.226

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Case No. : CrI. Misc. No.M-37797 of 2021

Date of Decision : September 16, 2021

Kanha		Petitioner
vs.		
State of Haryana		Respondent

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

Present : Mr. Daljeet Singh Virk, Advocate
for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

* * *

MANJARI NEHRU KAUL, J. (Oral) :

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail in FIR No.165 dated 12.07.2019 under Sections 376, 452 IPC and Section 6 of the POCSO Act, registered at Police Station Ellenabad, District Sirsa.

Learned counsel for the petitioner inter alia contends that in the FIR in question, false allegations were levelled against the petitioner of committing rape upon the victim. He submits that his false implication in the case in hand finds support from the fact that while stepping into the witness box, none of the material witnesses including the victim supported the case of the prosecution. He further submits that the petitioner is in custody since 12.07.2019 and there is no likelihood that the trial would conclude any time in the near future.

Per contra, learned State counsel, on instructions, has conceded that none of the prosecution witnesses including the victim supported the case of prosecution and were declared hostile. Learned State counsel has

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further apprised this Court that out of 16 prosecution witnesses, only

three have been examined so far and 13 remaining witnesses are yet to be examined.

Heard.

In view of the submissions made by learned counsel for the parties and keeping in view the fact that the petitioner is in custody since 12.07.2019, no useful purpose would be served by keeping him behind the bars as the trial is unlikely to conclude in near future, I deem it a fit case to grant the concession of regular bail.

The petition is allowed and the petitioner is admitted to bail to the satisfaction of the concerned Trial Court/Duty Magistrate. However, it is made clear that any observation made herein shall not be construed as an expression of opinion on the merits of the case.

September 16, 2021

(MANJARI NEHRU KAUL)
JUDGE

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Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No