

**203 IN THE HIGH COURT OF PUNJAB AND HARYANA
 AT CHANDIGARH
(through video conferencing)**

CRM-M-32132-2020 (O&M)
Decided on : 20.04.2021

Buta Ram

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Rahul Deswal, Advocate
 for the petitioner.

Mr. Rajiv Goel, DAG, Haryana.

Mr. Virender Kumar, Advocate
for the complainant.

Manjari Nehru Kaul, J.(Oral)

This is the second petition filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.359 dated 03.05.2019 registered under Sections 363, 366-A IPC, 1860 and Section 6 of POCSO Act, 2012 (added later on) at Police Station Civil Lines District Karnal.

Learned counsel for the petitioner inter alia contends that a false and fabricated case has been planted upon the petitioner, which is evident from the fact that the prosecutrix appearing as PW-7 did not support the case of the prosecution and was declared hostile. He further submits that the petitioner has been in custody since 04.05.2019 and the trial has not yet concluded and moreover, in the present scenario there is no likelihood of the trial concluding in the near future.

Mr. Sudhir Rana, Advocate has appeared on behalf of the prosecutrix and submitted that the prosecutrix has not supported the case of the prosecution. In fact, earlier the prosecutrix had been compelled to

depose against the petitioner under the pressure of the family.

Per contra, learned State counsel while opposing the prayer of learned counsel for the petitioner has not been able to controvert the factum of the prosecutrix having been declared hostile. He on instructions from SI Dharampal has submitted that the 11 out of 15 prosecution witnesses cited have been examined so far.

Learned counsel appearing for the complainant has also opposed the grant of bail to the petitioner by urging that the prosecutrix was aged about 17½ years and hence a minor at the time of alleged occurrence. He however, has not been able to controvert the fact that the prosecutrix did not support the case of prosecution.

Heard.

In view of the submissions made by learned counsel for the parties and the fact that the petitioner has been in custody since 04.05.2019, the trial is unlikely to conclude in the near future more so in the wake of outbreak of pandemic Covid-19. Hence, the present petition is allowed and the petitioner is admitted to bail to the satisfaction of the 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

20.04.2021
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Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No