

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

225

**CRM-M-32000-2020 (O&M)
Decided on : 27.08.2021**

Naushad

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. Sarfraj Hussain, Advocate,
for the petitioner(s).

Ms. Gaganpreet Kaur, AAG, Haryana
assisted by ASI Balkar.

MANJARI NEHRU KAUL, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of bail to the petitioner in case FIR No. 730, dated 23.12.2019, under Sections 452, 506 of IPC and Section 4 of the POCSO Act, 2012, registered at Police Station Quilla, Panipat.

Learned counsel for the petitioner submits that the false implication of the petitioner in the case in hand is evident from the fact that the prosecutrix while stepping into the witness-box as PW-2, did not support the case of the prosecution and thus was declared hostile. He further submits that in the circumstances, petitioner be extended the concession of bail, as he has been in custody for more than 01 year and 08 months.

Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from ASI Balkar, has not been able to controvert the factum of the prosecutrix not supporting the case of the prosecution, as a result of which,

has been declared hostile. Learned State counsel has further conceded that 04 witnesses, which also include the material witnesses, out of the 15 prosecution witnesses cited, stand examined.

Heard.

In view of the submissions made by learned counsel for the parties and keeping in view the fact that petitioner has been in custody since 23rd December, 2019, I deem it a fit case for grant of the concession of regular bail to the petitioner. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of 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

August 27, 2021

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*