

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

CRM-M-37708-2021
Decided on : 15.09.2021

Prince @ Khalifa

..... Petitioner

Versus

State of Haryana & ors.

..... Respondents

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Vikram Singh, Advocate
for the petitioner.

Mr. Gagandeep Singh Chhina, AAG, Haryana.

Mr. Rajbir Singh, Advocate
for the complainant.

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.723 dated 24.11.2020 registered under Sections 363, 366-A IPC, 1860 and Section 4 of POCSO Act at Police Station Chandni Bagh Panipat District Panipat.

Learned counsel for the petitioner *inter alia* contends that false and fabricated allegations have been levelled against the petitioner that he enticed away the prosecutrix on the pretext of solemnizing marriage. He submits that the prosecutrix in her statement recorded under Section 164 Cr.PC as well as while stepping into the witness box did not support the case of the prosecution as a result of which she was declared hostile. The petitioner has been in custody since 18.05.2021. There is no likelihood of the trial concluding in the near future as only two material witnesses out of 17 prosecution witnesses stand examined till date. Hence, a prayer has been made for extending the concession of bail to the petitioner.

Per contra, learned State counsel while opposing the prayer of learned counsel for the petitioner has not been able to controvert the factual aspect of the submissions made by learned counsel for the petitioner. He on instructions from ASI Parminder has conceded that the prosecutrix and the complainant did not support the case of the prosecution during trial and resultantly were declared hostile.

Heard.

In view of the submissions made by learned counsel and the fact that the petitioner has been in custody since 18.05.2021, the trial is unlikely to conclude in the near future. 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

15.09.2021

sonia

Whether speaking/reasoned:

Yes/No

Whether reportable :

Yes/No