

In the High Court of Punjab and Haryana at Chandigarh

CRM-M No. 33344 of 2020 (O&M)

Date of Decision: 23.2.2021

Shamsher

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. H.S.Deol, Advocate for the petitioner.

Mr. Ashok Singh Chaudhary, Addl. A.G., Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

CRM-3090-2021

This is an application under Section 482 Cr.P.C. for placing on record the statement of the complainant as Annexure P-7.

Notice of the application.

On the asking of the Court, Mr. Ashok Singh Chaudhary, Addl. A.G., Haryana accepts notice on behalf of the State and he has no objection if the present application is allowed.

Keeping in view the above, the present application is allowed.

Annexure P-7 is taken on record.

CRM-M-33344-2020

The petitioner seeks regular bail in FIR No. 167 dated 22.9.2019 under Sections 354-D, 120-B, 506 IPC and Section 4 of Protection of Children from Sexual Offences Act, 2012 and Section 3 of SC/ST (Prevention of Atrocities) Act, 1989 (later on Section 376-D (A) IPC and Section 6 of POCSO Act were added and Section 354-B, 120-B IPC

and Section 4 of POCSO Act, were deleted) registered at Police Station Rampura, District Rewari.

Learned counsel for the petitioner submits that complainant Manisha, who is the mother of the prosecutrix, while appearing in the witness box as PW-9, has not supported the prosecution version and has been declared hostile. Learned counsel has drawn the attention of this Court towards the statement of the prosecutrix (Annexure P-2) and submits that the prosecutrix while appearing in the witness box as PW-5, has also not supported the prosecution version and she has been declared hostile on 11.2.2020. He further submits that the petitioner has been in custody since 23.9.2019.

Learned State counsel has not disputed the fact that the prosecutrix as well as her mother have been declared hostile by the trial Court.

In the present case, the prosecutrix as well as her mother i.e. complainant Manisha have resiled from their earlier statements and have been declared hostile. The petitioner has been in custody since 23.9.2019. The trial will take time to conclude because of Covid-19 pandemic. No useful purpose would be served by keeping the petitioner behind the bars.

Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

February 23, 2021
Gurpreet

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