

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

218

(Through Video Conferencing)

CRM-M-38673-2021

Date of decision: 21.09.2021

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.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Sandeep Gahlawat, Advocate
for the petitioner.

Mr. Gagandeep Singh Chhina, AAG, Haryana
for the respondent-State.

MANJARI NEHRU KAUL, J. (ORAL)

This is the first petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.222 dated 12.09.2020 lodged under Sections 376(2)(N), 365, 450, 506 and 511 of the Indian Penal Code, 1860, Section 6 of the Protection of Children from Sexual Offences Act, 2012 and Sections 3(2)(v), 3(1)(r) and 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered at Police Station Sadar Narwana, District Jind.

Learned counsel for the petitioner contends that a false case having been planted upon the petitioner is evident from the fact that while stepping into the witness box during trial as PW-1, the victim did not support the case of the prosecution and categorically deposed that no rape had been committed upon her by the petitioner. Learned counsel for the petitioner has also invited the attention of this Court to the deposition of the complainant-father wherein also he did not

support the case of the prosecution as a result of which he too was declared hostile. The petitioner has been in custody since 29.09.2020 and there is no likelihood of the trial concluding in the near future.

Learned State counsel on instructions from SI Ram Kumar, has not been able to controvert the factum of both the material witnesses i.e. the victim and her father having turned hostile during trial. Learned State counsel submits that 20 more prosecution witnesses remain to be examined by the trial Court.

Heard and perused the material on record including the deposition by both the victim as well as the complainant before the trial Court.

In the facts and circumstances as enumerated hereinabove, the present petition is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. 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.

21.09.2021

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(MANJARI NEHRU KAUL)
JUDGE

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