

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

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**CRM-M-39138-2021
Decided on : 15.12.2021**

Prince Kumar

. . . Petitioner(s)

Versus

State of Haryana

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. Ram Bilas Gupta, Advocate
for the petitioner(s).

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

None for the complainant(s).

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. 178, dated 17.08.2021, under Section 376(2)(N) of IPC, registered at Police Station Women NIT, District Faridabad.

Learned counsel for the petitioner submits that a false and fabricated case having been foisted upon the petitioner finds credence from the fact that all the three material witnesses i.e. the prosecutrix (aged 20 years), her father and mother, while stepping into the witness-box before the trial Court, did not support the case of the prosecution, as a result of which, they were declared hostile. Further submits that in the facts and circumstances, further incarceration of the petitioner would serve no useful purpose, as 16 more prosecution witnesses remain to be examined.

Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions from ASI

Pavika, has not been able to controvert the fact that all the material witnesses including the prosecutrix having been turned hostile during trial.

I have heard learned counsel for the parties and perused the material on record.

The petitioner has been in custody since 23rd August, 2021, and the material witnesses already stand examined. The trial is unlikely to conclude anytime in the near future, as 16 other prosecution witnesses remain to be examined. Therefore, his further incarceration would not serve any useful purpose.

In the facts and circumstances of the case as enumerated hereinabove, the petition is allowed. The petitioner be 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

December 15, 2021

J.Ram

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*