

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

215

**CRM-M-39358-2021(O&M)
Decided on : 24.09.2021**

WASIM

....Petitioner(s)

Versus

STATE OF HARYANA

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL
(Through video conferencing)

PRESENT: Mr. Saleem Ahmed, Advocate
for the petitioner.

Ms. Tanushree Gupta, DAG Haryana
assisted by LASI Rajwanti.

MANJARI NEHRU KAUL, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C., for grant of regular bail to the petitioner in case FIR No.172, dated 04.06.2020 under Sections 376(2)(n) and 506 of the IPC registered at Police Station Sector 9-A, Gurugram, District Gurugram.

Learned counsel submits that the petitioner has been in custody since 21st April, 2021 in a case of false implication. He further submits that false allegations had been levelled against the petitioner of having committed rape upon the prosecutrix aged 29 years by going to her house. Learned counsel submits that false implication of the petitioner finds credence from the fact that the prosecutrix while stepping into the witness box as PW-2 did not support the case of the prosecution, as a result of

which, she was declared hostile. A prayer has thus been made that since the prosecutrix is the only material witness and has been examined, he be extended the concession of bail.

Per contra, learned State counsel while opposing the prayer of the learned counsel for the petitioner on instructions from LASI Rajwanti has not been able to controvert the factum of the prosecutrix having resiled from her statement and having been declared hostile during trial. She submits that 05 out of 17 prosecution witnesses including the material witness stand examined.

Heard and perused the material on record.

In view of the the facts and circumstances as enumerated hereinabove, the instant petition is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that anything contained in this order shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

September 24, 2021

S.Sharma(syr)

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*