

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

CRM-M-39664-2021(O&M)

Date of Decision: 29.09.2021

(Heard through VC)

Sachin

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Mohan Singh Rana, Advocate
for the petitioner.

Mr. Dhruv Sihag, AAG, Haryana.

JAISHREE THAKUR, 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.09 dated 04.02.2020 under Sections 376D, 114, 342, 506 IPC registered at Police Station Women West, Gurugram, District Gurugram

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 23.08.2020. It is argued that the petitioner was not named in the FIR. It is submitted that two persons named in the FIR are already on anticipatory bail, apart from submitting that the prosecutrix has now turned hostile and did not support the prosecution version. It is also contended that conclusion of trial is likely to take sufficient time, as such, the petitioner is entitled to be enlarged on bail.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner by contending that the prosecutrix had initially identified the petitioner as one of the persons, who had committed the offence under Section 376 of IPC and his call record shows that he was present in the same area at the relevant time. However, he is not able to dispute the fact that statement of the prosecutrix has been recorded, who has turned hostile.

I have heard learned counsel for the parties. In view of the facts that conclusion of trial is likely to take sufficient time and that statement of the prosecutrix has been recorded, who has turned hostile and did not support the prosecution version and that the petitioner will not be in a position to influence the material witness, no useful purpose would be served in keeping the petitioner behind bars. At this stage, without commenting on the merits of the case, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate.

However, anything observed or said by this court is only for the purpose of deciding the instant petition for grant of regular bail and the same shall have no affect on the merits of the case.

29.09.2021*Riya***(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned :	Yes	No
<i>Whether Reportable :</i>	<i>Yes</i>	<i>No</i>