

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

(Through Video Conferencing)

CRM-M-36788-2020 (O&M)

Date of Decision: 19.08.2021

ASHISH @ ASHU

.....Petitioner

V/s.

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL.

Present: Mr. Vinod S. Bhardwaj, Senior Advocate with
Mr. Vipin Pal Yadav, Advocate,
for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

MANJARI NEHRU KAUL, J. (Oral)

This is the first petition filed under Section 439 of the Code of Criminal Procedure for grant of concession of regular bail to the petitioner in case FIR No.202 dated 24.05.2020 lodged under Section 376, 354, 323, 34, 384 and 120-B of the Indian Penal Code, 1860 registered at Police Station Palam Vihar, Gurugram, Haryana.

Learned counsel for the petitioner, *inter alia*, contends that the petitioner has been falsely implicated in the case in hand which is evident from the fact that the material witness i.e. the complainant, did not support the case of the prosecution and as a result of which she was declared hostile. He has submitted that the petitioner has been in custody since 24.05.2020 and there is no likelihood of the trial concluding in the near future.

Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from ASI Kabal Singh, has not been able to controvert the factual aspect of the

submissions made by the learned counsel for the petitioner. She has conceded that the complainant did not support the case of the prosecution and was declared hostile.

Heard.

In view of the submissions made by learned counsel for the petitioner and the fact that the petitioner has been in custody since 24.05.2020, the present petition is allowed and the petitioner is admitted to bail to the satisfaction of the 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.

August 19, 2021

Ess Kay

**[MANJARI NEHRU KAUL]
JUDGE**

Whether speaking / reasoned : Yes / No

Whether Reportable : Yes / No