

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

CRM-M-41296-2021(O&M)

Date of Decision: 06.10.2021

Sushil Ahirwal

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Balraj Gujjar, Advocate
for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

Mr. Vikas Saroha, Advocate
for respondent No. 2.

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.611 dated 26.08.2020 under Sections 376 (2) (n), 506 IPC and Section 4 of the POCSO Act, registered at Police Station City Sonapat, District Sonapat.

Learned counsel for the petitioner would contend that the petitioner has been falsely implicated in the said FIR. It is argued that the prosecutrix has been examined during trial who has now turned hostile and did not support the prosecution version. Even other material witnesses i.e. parents of the prosecutrix have also turned hostile. 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, would oppose grant of regular bail to the petitioner while pointing to the seriousness of allegations levelled against him. However, she 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 the statements of material witnesses including the prosecutrix have been recorded, who have turned hostile and did not support the prosecution version and there remains no apprehension of the petitioner to influence any 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.

06.10.2021

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Whether speaking/reasoned :
Whether Reportable :

Yes
Yes

No
No

(JAISHREE THAKUR)
JUDGE