

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

CRM-M-41464-2021
Decided on : 29.11.2021

Raju Kumar Paswan

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Sushil Jain, Advocate
 for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

Manjari Nehru Kaul, J.

This is the second petition filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.499 dated 03.09.2019 registered under Sections 376 IPC and Section 4 of POCSO Act, 2012 (Section 6 of POCSO Act added subsequently) at Police Station Women City Sonipat District Sonipat.

Learned counsel for the petitioner submits that subsequent to the withdrawal of the previous petition on 29.07.2021, during trial all the material witnesses including the victim, did not support the case of the prosecution as a result of which, they were declared hostile.

Learned State counsel on instructions from ASI Ajmer has not been able to controvert the factum of all the material witnesses turning hostile during trial. She has also placed on record the copy of DNA report sent by FSL, Madhuban and has fairly conceded that as per the report received, no conclusive finding with regard to the DNA could be given as the sample sent for comparison had disintegrated.

Heard learned counsel for the parties and perused the material available on record.

In the facts and circumstances of the case as enumerated hereinabove coupled with the fact that all the 10 material witnesses out of 24 prosecution witnesses cited by the prosecution stand examined, the present petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. 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

29.11.2021

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Whether speaking/reasoned:

Yes/No

Whether reportable :

Yes/No