

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

(Heard through VC)

CRM-M-43132 of 2021 (O&M)
Date of Decision: October 25, 2021

Manjesh Yadav

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Parveen Sharma, 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.342 dated 18.09.2019, under Section 376 of Indian Penal Code (Sections 376(3) and 366 of IPC added later on) and Section 4 of POCSO Act, registered at Police Station Kundli, District Sonipat.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 18.12.2019. It is submitted that the petitioner has been falsely implicated in the present case. It is further submitted that the statements of the victim and her parents (Annexures P-2 to P-4) have been recorded, in which they 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. However, he does not dispute the fact that the victim and her parents have turned hostile.

I have heard learned counsel for the parties.

In view of the facts that the petitioner herein has been in custody since 18.12.2019, victim and her parents have turned hostile and did not support the prosecution version and that conclusion of trial is likely to take sufficient time, 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.

October 25, 2021

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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No