

221.

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

CRM-M-39691-2020

Date of Decision: 08.09.2021

(Heard through VC)

RAHUL

.... Petitioner

Versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Vineet Chaudhary, Advocate,
for the petitioner.

Ms. Mahima Yashpal, DAG, 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, pending trial, in case FIR No.333, dated 10.07.2020, under Section 506 of IPC and Sections 4 and 17 of the POCSO Act, 2012, registered at Police Station City Mohindergarh.

Learned counsel for the petitioner herein would pray for grant of regular bail by relying upon the statements of the complainant/prosecutrix and her father, who have turned hostile and not supported the version of the prosecution. The statement of the prosecutrix does not reflect any offence of rape being made out. It is submitted that the petitioner has been falsely implicated in the said case. He is in custody since 10.07.2020 and as the material witnesses have already been examined, there would be little likelihood of him influencing her. Moreover, the trial is likely to take some time to conclude.

Per contra, learned counsel appearing on behalf of the respondent-State, on instructions from ASI Neelam, would fairly submit that the complainant/prosecutrix and her father have been examined and they turned hostile.

I have heard learned counsel for the parties.

Keeping in view the fact that the complainant-prosecutrix and her father have turned hostile and the fact that trial is likely to take some time to conclude, no useful purpose would be served in keeping the petitioner behind the bars.

Accordingly, 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, any observation made herein shall not be construed to be an expression on merits of the case.

(JAISHREE THAKUR)
JUDGE

08.09.2021

sanjeev

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No