

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(Through video conferencing)**

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**CRM-M-40040-2020(O&M)
Decided on : 28.10.2021**

AMIT @ MITTA

...Petitioner(s)

Versus

STATE OF HARYANA

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. Madan Sandhu, Advocate for
Mr. Ajay Shekhawat, Advocate
for the petitioner.

Mr. Gagandeep Singh Chinna, AAG Haryana.

MANJARI NEHRU KAUL, 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.579, dated 09.10.2019 under Sections 354-A, 354-D, 34 and 506 of the IPC and Section 8 of the POCSO Act (Section 323 and 341 IPC deleted later on) registered at Police Station City Sonipat, District Sonipat.

Learned counsel for the petitioner submits that it is a case of false implication and has been filed as a counter blast to a criminal case registered by petitioner against the cousin of the victim i.e. FIR No.512 dated 09.09.2019 lodged under Sections 148, 149, 323, 307 and 506 of the Indian Penal Code, 1860 and Section 25 of the Arms Act registered at Police Station City Sonapat, District Sonapat, Haryana. Learned counsel further submits that false implication of the petitioner in the FIR in question finds credence from the fact that all the material witnesses including the

prosecutrix, aged 16 years, as well as the complainant while stepping into the witness box did not support the case of the prosecution. A prayer has therefore been made to extend the concession of bail to the petitioner as he has been in custody since 11.08.2020 and the trial is unlikely to conclude in the near future, as 13 more prosecution witnesses remain to be examined.

Per contra, learned State counsel while opposing the prayer and submissions of the counsel opposite has not been able to controvert the submissions so made qua the material witnesses i.e., the prosecutrix as well as the complainant turning hostile during the trial and not supporting the case of the prosecution.

I have heard learned counsel for the parties and perused the material on record.

In view of the the facts and circumstances as enumerated hereinabove, the instant petition is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that anything contained in this order shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

October 28, 2021
S.Sharma(syr)

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>