

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

107+211

CRM-M-40400-2020 (O&M)

Decided on : 03.08.2021

KAUSHAL KUMAR

... Petitioner(s)

Versus

STATE OF PUNJAB

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL
(Through Video Conferencing)

PRESENT: Mr. Vipin Mahajan, Advocate
for the applicant-petitioner(s).

Mr. Luvinder Sofat, AAG Punjab
assisted by ASI Sarabjit Singh.

MANJARI NEHRU KAUL, J. (Oral)

CRM-22830-2021

The instant application has been filed for placing on record statements of the prosecutrix and father of the prosecutrix i.e., Annexure P-4 and P-5.

Application is allowed. Annexure P-4 and P-5 are taken on record.

CRM-M-40400-2020

Prayer in the instant petition filed under Section 439 Cr.P.C., is for grant of regular bail to the petitioner in case FIR No.78, dated 26.06.2020 under Sections 376, 354-D and 506 of the IPC and Section 4 of the POCSO Act registered at Police Station Taragarh, District Pathankot.

Learned counsel for the petitioner while inviting the attention of this Court to the deposition of the prosecutrix and her father annexed as Annexure P-4 and P-5, submits that both the material witnesses did not

support the case of the prosecution, as a result of which, they were declared hostile. He further submits that it is thus evident that the petitioner has been falsely implicated in the case in hand. It has been submitted that the petitioner has been in custody since 27.06.2020 and only 3 out of 14 prosecution witnesses have been examined so far and there is no likelihood of the trial concluding, hence he be extended the concession of bail.

Per contra, learned State counsel while opposing the prayer and submissions of the learned counsel for the petitioner on instructions from ASI Sarabjit Singh has not been able to controvert the submission made by the learned counsel with respect to prosecutrix, aged 17 years and her father turning hostile and supporting the case of the prosecution.

Heard.

In view of the submissions made by learned counsel for the parties, I deem it a fit case for grant of the concession of regular bail to the petitioner, as the trial is unlikely to conclude in the near future. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed as an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

August 03, 2021

S.Sharma(syr)

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