

CRM-M-45623-2021
Decided on : 09.11.2021

Warish

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAULPresent : Mr. Sarfraj Hussain, Advocate
for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

Manjari Nehru Kaul, J.

Instant petition has been filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.354 dated 23.08.2019 registered under Sections 365, 506, 34 IPC, 1860 and Section 6 of POCSO Act, 2012 at Police Station Ferozepur Jhirka District Nuh.

Learned counsel for the petitioner *inter alia* contends that the petitioner was arrayed as an accused on the basis of a disclosure statement allegedly made by the main accused namely Afridi before the police. It has been submitted that not only the evidentiary value of the disclosure statement on the basis of which, petitioner was sent up to face trial, is weak but his false implication in the crime in question finds further credence from the fact that during trial the victim while stepping into the witness box as PW-1 did not support the case of the prosecution as a result of which she was declared hostile. He has therefore prayed that the petitioner, who has been in custody since 06.04.2021, be extended the concession of bail as there is no likelihood of the trial concluding in the near future because prosecution evidence shall take considerable time to conclude.

Per contra, learned State counsel while opposing the prayer for grant of bail on instructions from ASI Sarita has not been able to controvert the submission made by learned counsel for the petitioner with respect to the material witness i.e. victim not having supported the case of the prosecution and having turned hostile during trial.

Heard.

In the facts and circumstances of the case as enumerated hereinabove, the present petition is allowed as the trial is unlikely to conclude in the near future. 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

09.11.2021
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Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No