

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

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**CRM-M-46687-2021
Date of Decision: 15.11.2021**

MOHAMMAD LATIF @ LATIF

... Petitioner

VERSUS

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Ms. Monita Mehta, Advocate
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

MANJARI NEHRU KAUL, J.(Oral)

This is the first petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.61 dated 23.05.2020 under Sections 120-B and 376 IPC, Section 6 of POCSO Act, 2012 and Section 376(D) IPC added later on registered at Police Station Chabbewal, District Hoshiarpur (Annexure P-1).

Learned counsel for the petitioner submits that the FIR in question came to be registered as a counter blast to FIR No.60 dated 23.05.2020, under Sections 323, 342 and 506 IPC read with Section 34 IPC registered at Police Station Chabbewal, District Hoshiarpur (Annexure P-7), which was registered at the instance of co-accused of the petitioner against the father and other family members of the prosecutrix. Learned counsel further submits that the false implication of the petitioner in the FIR in question is evident from the fact that while stepping into the witness box during trial as PW-1, the prosecutrix did not support the case of the prosecution, as a result of which, she was declared hostile.

A prayer has therefore been made to extend the concession of bail to the petitioner as he has now been in custody since 09.12.2020 and

there is no likelihood of the trial concluding in the near future as 23 prosecution witnesses remain to be examined. Leaned counsel has submitted that the further incarceration of the petitioner in the given facts and circumstances would be of no avail.

Per contra learned State counsel on instructions has conceded that the prosecutrix who is the material witness in the case in hand was declared hostile during trial as she failed to support the case of the prosecution.

I have heard learned counsel for the parties and have gone through the material available on record, including the deposition of the prosecutrix who is the sole material witness (Annexure P-9). In the facts and circumstances as enumerated hereinabove coupled with the fact that the prosecutrix did not support the case of the prosecution during trial, this Court deems it fit to extend the concession of bail to the petitioner.

The present petition is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. 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

15.11.2021
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No