

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M No.11567 of 2021(O&M)

Date of Decision:09.11.2021

Nisha Talwar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Sanjay Verma, Advocate
for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

JAISHREE THAKUR, J. (ORAL)

This is a petition that has been filed for grant of regular bail to the petitioner in FIR No.379 dated 11.04.2020 registered under Sections 3, 4, 5, 6, 7 of the Immoral Traffic (Prevention) Act, 1956, Sections 188, 370 (1), (5) IPC, Sections 6(2A), 8 of the POCSO Act and Section 51(b) of Disaster Management Act at Police Station City Thanesar, District Kurukshetra.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the said FIR as would be evident from the fact that prosecutrix and material witnesses have been examined, who did not support the prosecution version. It is further contended that other accused namely Umesh Kumar in CRM-M No.15710 of 2020 vide order dated 20.07.2020, Ravi Kumar in CRM-M No.16965 of 2020 vide order dated 01.03.2021, Naveen Kumar in CRM-M No.39080 of 2020 vide order dated

01.03.2021 and Mohit Sadyan in CRM-M No.17338 of 2020 vide order dated 06.07.2020 have already been granted bail by this Court and Co-ordinate Bench. It is submitted that the petitioner is in custody since 11.04.2020. It is further submitted that out of 23 witnesses cited, only 5 have been examined so far and the trial is likely to take some time to conclude, therefore, prays for grant of regular bail to the petitioner.

Learned counsel for the respondent-State would oppose grant of regular bail to the petitioner while pointing to the seriousness of allegations levelled against him, however, he does not dispute the fact that the prosecutrix and the material witnesses have turned hostile.

I have heard learned counsel for the parties. Keeping in view the fact that the prosecutrix and the material witnesses have been examined, who did not support the prosecution version and that other accused have already been granted bail by this Hon'ble Court and the fact that the trial is likely to take some time to conclude as out of 23 witnesses cited, only 5 have been examined so far, no useful purpose would be served in keeping the petitioner behind bars. The instant petition is allowed and the petitioner is directed to be released on regular bail on execution of personal/surety bonds of ₹2 lakh each to the satisfaction of concerned trial court/Duty Magistrate. However, any observation made herein shall not be construed to be an expression of opinion on merits of the case.

November 09, 2021
P.Bhatt

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No