

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

238

CRM-M-47898-2021

Date of decision: 23.11.2021

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.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Ritesh Pandey, Advocate
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab
for the respondent-State.

MANJARI NEHRU KAUL, J. (ORAL)

This is the second petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.34 dated 15.04.2021 lodged under Sections 376-D and 120-B IPC registered at Police Station Sekhwan, District Batala.

On a query put to learned counsel for the petitioner as to what was the material change in the circumstances subsequent to the withdrawal of the previous petition on 26.08.2021, he has submitted that the prosecutrix, aged 37 years, has since been examined. He has further submitted that false implication of the petitioner in the case in hand is evident from the fact that while stepping into the witness box 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, who has now been in custody since 15.04.2021, as his further incarceration would not serve any useful purpose.

Per contra, learned State counsel on instructions from ASI Joga Singh, has conceded that the prosecutrix did not support the case of the prosecution qua the petitioner while stepping into the witness box as a result of which she was declared hostile.

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

In view of the facts and circumstances as enumerated hereinabove, the instant petition is allowed. 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.

23.11.2021

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(MANJARI NEHRU KAUL)
JUDGE

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