

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

279

**CRM-M-48835-2021
Decided on : 29.11.2021**

Ravi Kant @ Ravi

. . . Petitioner(s)

Versus

State of Haryana

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. Gautam Dutt, Advocate
for the petitioner(s).

Mr. Gagandeep Singh Chhina, AAG, Haryana
assisted by ASI Arun Kumar.

MANJARI NEHRU KAUL, J. (Oral)

This is the second instant petition has been filed under Section 439 Cr.P.C. for grant of bail to the petitioner in case FIR No. 0139, dated 14.11.2019 (Annexure P-1), under Sections 457 & 506 of IPC and Section 8 of the Protection of Children from Sexual Offences Act, 2012, registered at Police Station Satnali, District Mahendergarh.

Learned counsel for the petitioner submits that subsequent to the withdrawal of the previous petition on 20th August, 2021, the prosecutrix, aged 19 years, stands examined. He further submits that during her deposition before the trial Court, the prosecutrix failed to support the case of the prosecution, as a result of which, she was declared hostile. In support, learned counsel has invited the attention of this Court to the deposition of the prosecutrix annexed as Annexure P-5 along with the present petition.

On the other hand, learned State counsel has opposed the prayer and submissions made by learned counsel for the petitioner. He has, however, not been able to controvert the factum of the prosecutrix having

been declared hostile during trial. He has conceded that the prosecutrix is the sole material witness and 15 more prosecution witnesses remain to be examined.

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

In the facts and circumstances of the case as enumerated hereinabove coupled with the fact that the petitioner has been in custody since 06th October, 2020, there is no likelihood of the trial concluding anytime in the near future. I deem it fit to grant the concession of bail to the petitioner. The petition as such is allowed. The petitioner be admitted to bail to the satisfaction of 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

November 29, 2021

J.Ram

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