

CRM-M-48815-2021
Decided on : 17.12.2021

Ifraan

..... Petitioner

Versus

State of Haryana & anr.

..... Respondents

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

Ms. Gaganpreet Kaur, AAG, Haryana.

MANJARI NEHRU KAUL, J.

The present petition has been filed under Section 439 Cr.P.C., for grant of regular bail to the petitioner in case FIR No.178 dated 03.09.2021 under Section 4 of POCSO Act and Section 506 IPC, 1860 registered at Police Station Women District Yamuna Nagar.

Learned counsel for the petitioner submits that the false implication of the petitioner in the case in hand is evident from the fact that the victim, aged 17 years, while stepping into the witness box as PW-2 failed to support the case of the prosecution and categorically stated that it was not the petitioner, who had entered her room on the fateful day and committed rape upon her. In support of his submission, learned counsel has placed on record the deposition of the victim as PW-2. He further submits that since the sole material witness i.e. victim has been examined and has been declared hostile, further incarceration of the petitioner would not serve any useful purpose as he has now been in custody since 04.09.2021. A prayer has been made to extend the concession of bail to the petitioner as there is no likelihood of the trial concluding in the near future.

Per contra learned State counsel while opposing the prayer of the counsel opposite has not been able to controvert the factum of the victim turning hostile during trial. She, on instructions from ASI Komal submits that 15 more prosecution witnesses remain to be examined before the trial Court.

Heard learned counsel for the parties and perused the deposition of the victim as well as material available on record.

In the facts and circumstances of the case as well as the submissions made by counsel for the parties, 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.

17.12.2021
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(MANJARI NEHRU KAUL)
JUDGE

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