

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

CRM-M-49575-2021
Date of decision:01.12.2021

Charanjit Kaur

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Rajesh Kapila, Advocate
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

This is the 3rd petition filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.34 dated 15.04.2021 lodged under Sections 376-D/120B IPC, 1860 registered at Police Station Sekhwan District Batala.

Learned counsel for the petitioner has submitted that subsequent to the withdrawal of previous petition on 24.09.2021 the prosecutrix stands examined before the trial Court wherein she failed to support the case of the prosecution, as a result of which, she was declared hostile. A prayer, therefore, has 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 Harbhej Singh has conceded that the prosecutrix failed to support the case of the prosecution qua three of the accused including the petitioner while stepping into the witness box, as a result of which, she was declared hostile.

He further submits that 12 prosecution witnesses remain to be examined.

Heard learned counsel and perused the material available on record.

In the wake of submissions made by learned counsel for the petitioner as well as in the facts and circumstances of the case as enumerated hereinabove, the present 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.

01.12.2021
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(MANJARI NEHRU KAUL)
JUDGE

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