

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

239

**CRM-M-51143 of 2021
Date of decision: 14.12.2021**

Gurpreet Singh @ Micky

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Naveen Sharma, Advocate
for the petitioner.
Ms.Gaganpreet Kaur, AAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

This is the first petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.08 dated 02.03.2021 registered under Sections 342, 363, 366-A, 376(2) (n), 506 and 34 IPC, Section 6 of POCSO Act, 2012 at Police Station Women Dabwali Sirsa, District Sirsa

Learned counsel for the petitioner submits that false implication of the petitioner in the case in hand is evident from the fact that all the 03 material witnesses i.e. prosecutrix and her parents while stepping into the witness box as PW-1, PW-2 & PW-3 respectively did not support the case of the prosecution as a result of which, they were declared hostile. Learned counsel further submits that since all the material witnesses stand examined, the further incarceration of the petitioner would not serve any useful purpose as he has been in custody since 02.03.2021.

Learned State counsel has not been able to controvert the

factum of all 03 material witnesses having turned hostile during trial. Learned State counsel, on instructions has further submitted that 17 prosecution witnesses remain to be examined.

Heard.

I have perused the material on record including the deposition of the material witnesses i.e. prosecutrix and her parents which have been annexed as Annexure P-3 to P-5.

In view of the submissions made by learned counsel for the petitioner and the facts and circumstances, as enumerated here-in-above, the present petition is allowed as the trial is unlikely to conclude in the near future. The petitioner is admitted to bail to the satisfaction of the 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.

14.12.2021

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(MANJARI NEHRU KAUL)
JUDGE

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