

212 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-5493-2022 (O&M)
Decided on : 18.05.2022

Hari Singh

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Sandeep Sharma, Advocate
for the petitioner.

Mr. Rohit Arya, DAG, Haryana.

Manjari Nehru Kaul, J.(Oral)

CRM-18601-2022

Application is allowed as prayed for and statements of victim and her father (Annexures P-8 and P-9) are taken on record subject to all just exceptions.

Main case

This is the second petition filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.11 dated 06.03.2021 under Sections 363, 366-A IPC, Sections 4 and 17 of POCSO Act and Section 3 of SC/ST Act registered at Police Station Women Police Station Narnaul District Mahendragarh.

Learned counsel for the petitioner *inter alia* contends that the petitioner, who has been in custody for more than a year having been arrested on 06.03.2021, has been falsely implicated in the case in hand. He

submits that the false implication of the petitioner in the case in question finds credence from the fact that both the material witnesses i.e. victim (aged about 16 years 11 months) and her father while stepping into the witness box as PW-1 and PW-3 respectively, during trial did not support the case of the prosecution, as a result of which, they both were declared hostile. In support of his submissions, learned counsel has drawn the attention of this Court to the deposition of both these material witnesses, which has been filed alongwith application bearing CRM No.18601 of 2022. He further submits that in the circumstances, his further incarceration would not serve any useful purpose as 13 prosecution witnesses out of the 18 cited remain to be examined.

Per contra, learned State counsel while opposing the prayer made by the counsel opposite on instructions has not been able to dispute the submissions made by counsel opposite qua both the material witnesses including the victim being declared hostile during trial. He has however submitted that the petitioner had lured a minor, aged 17 years, on the pretext of solemnizing marriage with her and hence, he did not deserve the concession of bail.

Heard learned counsel for the parties and perused the relevant material on record.

A perusal of the deposition of the victim (Annexure P-8) reveals that she has completely exonerated the petitioner of any wrong doing much less of abducting or luring her on the pretext of solemnizing marriage. Even the deposition of the complainant, who is the father of the victim, is on the same lines.

In the facts and circumstances of the case as enumerated hereinabove coupled with the fact that the trial would take considerable time to conclude, this Court deems it fit to extend the concession of bail to the petitioner. Accordingly, the present petition is allowed. The petitioner be admitted to bail to the satisfaction to 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.

(MANJARI NEHRU KAUL)
JUDGE

18.05.2022

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Whether speaking/reasoned:

Yes/No

Whether reportable :

Yes/No