

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

210

**CRM-M-9442-2022 (O&M)
Decided on : 30.05.2022**

Gurpreet Singh @ Goldy

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. Navjot Singh, Advocate
for the petitioner(s).

Mr. Abhay Pal Singh Gill, AAG, Punjab
assisted by ASI Kala Singh.

MANJARI NEHRU KAUL, J. (Oral)

This is the second petition filed under Section 439 Cr.P.C. for grant of bail to the petitioner in case FIR No. 263, dated 10.10.2019, under Sections 365, 376(D), 376(2)(N), 384 of IPC and Section 6 of the POCSO Act, 2012, registered at Police Station Lehra, District Sangrur, Punjab (annexed as Annexure P-1).

On a pointed query put to the learned counsel as to what was the material change in circumstances, subsequent to dismissal of the previous petition on 06th September, 2021 (Annexure P-5), learned counsel submits that the victim stands examined before the trial Court. He further submits that the false implication of the petitioner in the case in hand is evident from the fact that while stepping into the witness-box as PW-1, the victim (aged 17 years) did not support the case of the prosecution, as a result of which, she was declared hostile. Learned counsel further submits that the petitioner has now been in custody since 14th October, 2019 and out of the total 25 prosecution witnesses cited, only 02 prosecution witnesses

stand examined. Hence, there is no likelihood of the trial concluding in the near future.

Per contra, learned State counsel, on instructions from ASI Kala Singh, has not been able to controvert the submissions made by the counsel opposite that the victim while stepping into the witness-box did not support the case of the prosecution and as a result of which, she was declared hostile.

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

The petitioner has been in custody for more than 2½ years having been arrested on 14th October, 2019. Since the material witness i.e. the victim already stands examined and as conceded by the learned State counsel, she has not supported the case of the prosecution, therefore, further incarceration of the petitioner would serve no useful purpose.

In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner during the pendency of the trial, as his further incarceration would serve no useful purpose. The petition is allowed and the petitioner is admitted to bail to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that any observation made here-in-above shall not be construed as an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

May 30, 2022

J.Ram

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