

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

228

(Through Video Conferencing)

CRM-M-11710-2022

Date of decision: 24.03.2022

PARMOD KUMAR MANDAL @ PARMOD

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Varinder Singh Mand, Advocate
for the petitioner.

Ms. Ishneet Kaur, AAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

This is the second petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.94 dated 01.11.2019 lodged under Sections 376-D and 354-C IPC, Section 3(1)W(II) of the Scheduled Casts and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 67 of the Information Technology Act, 2000 registered at Police Station Ladhawal, District Ludhiana.

On a pointed query put to the learned counsel for the petitioner as to what was the material change in circumstances subsequent to the dismissal of the previous petition on 24.02.2022, he submitted that 03 witnesses including the prosecutrix have since been examined before the trial Court and the prosecutrix and her husband were declared hostile during trial.

Learned counsel for the petitioner submits that a false and fabricated case having been planted upon the petitioner is evident from

the fact that while stepping into the witness box as PW-1, the prosecutrix, aged 42 years, who admittedly is a married woman, failed to support the case of the prosecution as a result of which she was declared hostile. Learned counsel submits that even the husband of the prosecutrix did not support the case of the prosecution as a result of which he too was declared hostile. In support, he has drawn the attention of this Court to Annexure P-2 which are copies of the statements of the prosecutrix and her husband. Learned counsel submits that since 20 prosecution witnesses remain to be examined, there is no likelihood of the trial concluding in the near future. He further submits that in the wake of his long incarceration and the material witnesses having been examined, the petitioner be extended the concession of bail.

Per contra, learned State counsel while opposing the prayer made by the counsel opposite, on instructions, has not been able to controvert the submissions made by counsel opposite que both the material witnesses including the prosecutrix turning hostile during trial. Learned State counsel submits that a couple of prosecution witnesses have been summoned for the next date by the trial Court i.e. 31.03.2022.

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

The petitioner has been in custody since 23.11.2019 and there is no likelihood of the trial concluding in the near future. In addition to the aforementioned material witnesses stand examined who as already observed hereinabove have not supported the case of the

prosecution. In the circumstances, this Court deems it fit to extend the concession of bail to the petitioner.

Accordingly, the 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.

24.03.2022

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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