

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

CRM-M-14130-2022

Date of decision:05.07.2022

Manish

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Satyaveer Singh, Advocate,
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Through this second petition, the petitioner seeks regular bail in case FIR No.207 dated 13.05.2019, registered at Police Station Safidon, District Jind, under Sections 346, 363, 366-A, 328 and 342 IPC, Section 6 of the POCSO Act and Section 3(2) (v) of the SC & ST Act.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the present case; that the petitioner has been in custody since 25.11.2019; that the complainant-father of the victim, the mother of the victim, and the victim herself, while appearing before the trial Court as PW 1 to PW 3, respectively, have not supported the prosecution version and have been declared hostile.

On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that there are serious allegations against the petitioner that he had enticed away the prosecutrix, administered some sedative to her and committed aggravated penetrative

sexual assault with her. Moreover, the DNA profile of seminal stains on the source of item No.1 matched with the DNA profile of blood of the petitioner.

I have heard the learned counsel for the parties.

In the present case, three material witnesses i.e. PW 1 complainant-father of the victim, PW 2 mother of the victim and PW 3 victim herself, while appearing before the trial Court, have not supported the prosecution version and have been declared hostile. The petitioner has been in custody since 25.11.2019. Out of 22 prosecution witnesses, 13 witnesses are yet to be examined. Trial is unlikely to conclude any time soon. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

05.07.2022

parveen kumar

(HARNARESH SINGH GILL)

JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No