

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

CRM-M-15805-2022
Decided on : 25.04.2022

Ashwani Sharma

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Jagdish Manchanda, Advocate
 for the petitioner.

Mr. Rohit Arya, DAG, Haryana.

Manjari Nehru Kaul, J.(Oral)

This is the second petition filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.114 dated 01.12.2020 under Sections 376/506 IPC registered at Police Station Women Police Station District Karnal.

On a pointed query put to learned counsel as to what was the material change in the circumstances subsequent to the dismissal of the earlier petition filed under Section 439 Cr.PC, he submits that all the three material witnesses i.e. prosecutrix and her parents stand examined before the trial Court coupled with the fact that they did not support the case of the prosecution. Learned counsel, thus, submits that it lends credence to the false implication of the petitioner in the crime in question. He further submits that the trial is unlikely to conclude in the near future as 9 prosecution witnesses remain to be examined. In support, he has drawn the attention of this Court to Annexures P-2 and P-3 which are the depositions of prosecutrix and her father before the trial Court.

Per contra, learned State counsel while opposing the prayer made by the counsel opposite has very fairly conceded that all the three material witnesses including the prosecutrix while stepping into the witness box as PW-1 failed to support the case of the prosecution as a result of which she as well as her parents were declared hostile by the trial Court.

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

In the facts and circumstances as enumerated hereinabove coupled with the fact that the trial is unlikely to conclude in the near future, this Court deems it fit to extend the concession of bail to the petitioner. Accordingly, the present petition is allowed. The petitioner be admitted on 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

25.04.2022

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Whether speaking/reasoned:

Yes/No

Whether reportable :

Yes/No