

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

217

(Through Video Conferencing)

CRM-M-42467-2021

Date of decision: 24.02.2022

Ankit @ Bholu

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Kartar Singh Malik-I, Advocate
for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana
for the respondent-State.

MANJARI NEHRU KAUL, J. (ORAL)

This is the first petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.184 dated 11.05.2021 lodged under Sections 323, 376(2)(n), 452, 406 and 506 IPC (Sections 354 c and 384 added lateron) registered at Police Station Sadar Rohtak, District Rohtak.

Learned counsel for the petitioner inter alia submits that the false implication of the petitioner in the FIR in question wherein allegations were levelled against him of blackmailing and threatening the prosecutrix that in case she did not agree to establishing physical relations with him, he would viral her nude photographs in addition to raping her on a number of occasions, find credence from the fact that the prosecutrix while stepping into the witness box as PW-2, did not support the case of the prosecution as a result of which she was declared hostile. Learned counsel in support has drawn the attention of this Court to the deposition of the prosecutrix and her husband, which have been filed in Court today. The copies of their deposition are taken on record, subject to all just exceptions. Learned counsel submits that

as the petitioner has been in custody since 12.05.2021 and all the material witnesses including the prosecutrix stand examined, who as already stated above, did not support the case of the prosecution, his further incarceration would serve no useful purpose.

Per contra, learned State counsel while opposing the prayer of the counsel opposite on instructions from SI Vijeta, has not been able to controvert the submissions made by the counsel opposite with respect to the prosecutrix not having supported the case of the prosecution during trial. She has conceded that the prosecutrix and her husband are the sole material witnesses, who stand examined. Learned State counsel submits that out of 16 only 03 prosecution witnesses have been examined as on date.

I have heard learned counsel for the parties and perused the relevant material placed on record including the deposition of the prosecutrix and her husband recorded during trial.

The trial is unlikely to conclude in the near future as 13 prosecution witnesses remain to be examined coupled with the fact that both the material witnesses were declared hostile during trial, this Court deems it appropriate 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.

24.02.2022

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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