

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

112+225

CRM-M-45626-2021 (O&M)

Decided on : 24.03.2022

Sukhdev Singh

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. P.S. Jammu, Advocate
for the petitioner(s).

Mr. Rohit Arya, DAG, Haryana.

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. 0011, dated 16.02.2021, under Sections 376(2)(H), 450 of IPC & Section 3(1)(W)(I) SC/ST Act, 1860, registered at Police Station Women Sirsa, District Sirsa (annexed as Annexure P-1).

Learned counsel for the petitioner submits that the false implication of the petitioner in the FIR in question finds credence from the fact that during her deposition (annexed as Annexure P-4), the prosecutrix, who admittedly is an adult and a married woman, 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 been in custody since 16th February, 2021 and there is no likelihood of the trial concluding in the near future, as 23 prosecution witnesses remain to be examined. He has further submitted that since the sole material witness i.e. the prosecutrix already stands examined, further incarceration of the petitioner would not serve any

useful purpose.

Per contra, learned State counsel while opposing the prayer made by the counsel opposite, on instructions, has not been able to dispute the factum of the prosecutrix not supporting the case of the prosecution during trial and being declared hostile.

I have 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 out of the 24 prosecution witnesses cited by the prosecution only one material witnesses i.e. the prosecutrix has been examined, who too admittedly not supported the case of the prosecution during trial, this Court deems it fit to extend the concession of bail to the petitioner during the trial. The petition is allowed and the petitioner is admitted to bail to the satisfaction of the concerned Trial Court/Duty Magistrate. However, it is made clear that any observation made herein shall not be construed as an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

March 24, 2022

J.Ram

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