

CRM-M-47772 of 2021
Date of Decision:28.2.2022

Krishan

---Petitioner

versus

State of Haryana

---Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Vijay Pal, Advocate
for the petitioner

Mr. Karan Sharma, DAG, Haryana

MANJARI NEHRU KAUL, J.

The instant petition has been filed under Section 439 Cr.P.C. for grant of bail to the petitioner in case FIR No. 45 dated 6.7.2021 under Sections 342, 376/D, 506 IPC and Section 3(2)(v) of the SC/ST Act registered at Women Police Station, Bhiwani.

Learned counsel for the petitioner, at the outset, while inviting the attention of this Court to the deposition of the prosecutrix, which has been filed in the Court today and taken record, submits that the prosecutrix while stepping into the witness box did not support the case of the prosecution as a result of which she was declared hostile. Learned counsel, thus, submits that in the aforementioned circumstances, the false implication of the petitioner in the case in hand is very apparent. Learned counsel submits that as the petitioner is in custody since 19.7.2021 and the sole material witness i.e. the prosecutrix already stands examined, his further incarceration would serve no useful purpose.

Per contra, learned State counsel while opposing the prayer of

the counsel opposite, on instructions from DSP Varinder Singh, has not been able to dispute the factum of the prosecutrix turning hostile during trial and not supporting the case of the prosecution.

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

In the facts and circumstances enumerated hereinabove, as the material witness stands examined and she did not support case of the prosecution, this Court deems it fit to extend the concession of bail to the petitioner during the trial, moreso since he admittedly is not involved in any other case. 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

28.2.2022
PARAMJIT

Whether speaking/reasoned: Yes

Whether reportable : Yes/No