

CRM-M-9141-2023

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-9141-2023

Date of decision: 13.04.2023

Iqbal @ Talli

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Nafeesh Ahmed, Advocate,
for the petitioner.

Ms. Tanushree Gupta, DAG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Through this third petition (the earlier two petitions were dismissed as withdrawn), the petitioner seeks regular bail in case bearing FIR No.455 dated 21.09.2020, registered at Police Station Nuh, District Nuh, under Sections 365, 506 and 376-D IPC and Section 6 of POCSO Act.

Status report dated 12.04.2023 by way of affidavit of the Deputy Superintendent of Police, Headquarters Nuh, District Nuh, filed in the Court today, is taken on record. Copy of the same has been supplied to the counsel opposite.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the present case; that the victim and her father (complainant), while stepping into the witness-box as PW 2 and PW 3 respectively, have not supported the prosecution version and have been declared hostile; that the petitioner has been in custody since 21.09.2020

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and that co-accused, namely, Javed Mohd. has since been granted the benefit of regular bail by the Coordinate Bench, vide order dated 22.03.2023 passed in CRM-M-11784-2023.

On the other hand, learned State counsel opposes the grant of bail to the petitioner. However, learned State counsel fairly concedes that the the complainant and the victim have turned hostile.

I have heard the learned counsel for the parties.

In the case in hand, the complainant and the victim have turned hostile. The petitioner has been in custody since 21.09.2020. Out of 20 prosecution witnesses, only 06 witnesses have been examined so far. There is abysmally low possibility of conclusion of trial 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.

13.04.2023

parveen kumar

**(HARNARESH SINGH GILL)
JUDGE**

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No