



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

217

CRM-M-64553-2023
Date of decision: August 6th, 2024

Ram Niwas
.....Petitioner

Versus

State of Haryana
.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Ms. Pinki Mehla and Mr. Amit Kaushik, Advocates
for the petitioner.

Mr. Gagandeep Singh Chhina, Assistant Advocate General,
Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.124 dated 11.04.2023 under Section 4 of the POCSO Act, 2012 and Sections 342, 506 of the IPC registered at Police Station Sector 9-A, District Gurugram.

2. Learned counsel for the petitioner submits that the petitioner's false implication in the present case is evident from the fact that the victim, while stepping into the witness box, did not support the case of the prosecution, as a result of which she was declared hostile. It has been further submitted that the petitioner has now been in custody since 12.04.2023; 16 prosecution witnesses still remain to be examined, hence, further incarceration of the petitioner would serve no useful purpose as the trial would take considerable time to conclude, coupled with the fact that all the material witnesses including the victim stand examined.

3. Learned State counsel while opposing the prayer and submissions made by the counsel opposite, has reiterated the allegations levelled in the FIR in question, however, he, on instructions, has not disputed that the victim, who was aged about 15 years at the time of the alleged occurrence, had been declared hostile during trial.
4. I have heard learned counsel for the parties and perused the material placed on record.
5. In the facts and circumstances as enumerated hereinabove, 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.

August 6th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No