

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

**CRM-M-22299-2015
Date of decision:16.7.2015**

Sanjay Dhankar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr.Deepender Singh, Advocate for the petitioner.

RAMESHWAR SINGH MALIK, J. (Oral)

Petitioner seeks bail pending trial in FIR No.119 dated 16.4.2015 registered under Sections 323, 342, 376, 506 and 120-B of the Indian Penal Code and under Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, at Police Station, NIT, Faridabad.

Notice of motion.

On the asking of Court, Mr.Parveen Aggarwal, AAG, Haryana, accepts notice.

Learned counsel for the petitioner places reliance on the statement of prosecutrix recorded by the learned trial Court on 13.7.2015, to contend, that prosecutrix herself has not supported the prosecution story qua the petitioner. He further submits that as per the statement suffered by the prosecutrix before the learned trial Court as PW-1, it would be Dharmender alone who would be facing the charge for the offence under Section 376 IPC. Since the prosecutrix has not supported the case of the prosecution qua the petitioner he is entitled for bail pending trial. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from SI Dharpan Kumar, Police Station, NIT Faridabad, submits that so far as the statement of the prosecutrix is concerned, that is a matter of record. However, he seeks dismissal of the present petition, submitting that involvement of the petitioner in the commission of offence might be established on the basis of other evidence, which is yet to be led by the prosecution. He prays for dismissal of the present petition.

In view of the above and without commenting anything further on merits, lest it should prejudice the rights of either of the parties, the instant petition is allowed. Petitioner is directed to be released on bail pending trial on his furnishing adequate bail bonds/surety bonds to the satisfaction of learned trial Court.

Disposed of, accordingly.

16.7.2015
mks

(RAMESHWAR SINGH MALIK)
JUDGE