

211 Criminal Misc. No.M-7398 of 2016 (O&M)
Date of decision: April 07, 2016

versus

State of Haryana ...Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

1. Whether Reporters of local papers may be allowed to see the judgment? Yes/No
2. To be referred to the Reporters or not? Yes/No
3. Whether the judgment should be reported in the Digest? Yes/No

Ms. Trishanjali Sharma, AAG, Haryana.

Mr. R.S. Budhwar, Advocate for the complainant.

DAYA CHAUDHARY, J.(Oral)

Crl. Misc. No.7055 of 2016

Allowed as prayed for.

Crl. Misc. No.M-7398 of 2016

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to petitioner-Aashif Ali @ Munavvar in case FIR No.38 dated 06.12.2015 registered under Sections 354-A, 354-D, 506 of the Indian Penal Code and Section 12 of POCSO Act

at Police Station Women Yamunanagar, District Yamunanagar during pendency of the trial.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case whereas no offence is made out against him. Learned counsel also submits that the allegations levelled against the petitioner are false and vague and he has been implicated due to ulterior motive whereas he and the victim were good friends from childhood. The petitioner is in custody since 09.12.2015 and the trial may take long time to conclude. No useful purpose would be served by keeping the petitioner behind the bars. Learned counsel has also shown some of the photographs (Annexure P-2) and were also shown to Sub-Inspector Menka, the investigating officer of the case. She has identified the photo of the victim and submits that these photographs were never brought to her notice during investigation.

Learned counsel for respondent-State has not disputed the custody period but opposes grant of regular bail to the petitioner on the ground that the victim was less than eighteen years of age.

Learned counsel for the complainant also opposes grant of regular bail to the petitioner on the ground of allegations levelled against him.

Heard arguments advanced by learned counsel for the parties and have also perused the allegations levelled against the petitioner and other documents available on record as well as the

photographs (Annexure P-2).

Admittedly, the allegations levelled against the petitioner and the photographs (Annexure P-2) are matter of evidence and nothing can be said except that the parties are known to each other. The other allegations are matter of record which can be proved during trial and by considering that the petitioner is in custody since 09.12.2015 and also that investigation has been completed and challan has been submitted and nothing is to be recovered, no useful purpose would be served by keeping him behind the bars any further. Accordingly, the present petition is allowed and the petitioner, namely, Aashif Ali @ Munavvar is directed to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court.

April 07, 2016
sonia gugnani

(DAYA CHAUDHARY)
JUDGE