

Criminal Misc. M- No. 11169 of 2017 (O&M)

Date of decision : July 14, 2017

Raja Ram

.....Petitioner

Versus

State of Haryana

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILLPresent: Mr. Vishav Nath Sharma, Advocate
for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No. 176 dated 21.05.2016 registered under Section 376 IPC; Section 3(i)(xii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 4 of Protection of Children from Sexual Offences Act, 2012 at Police Station Farakpur, District Yamuna Nagar.

It is submitted that the petitioner, who is an old man of about 71 years, has been falsely implicated. The allegations in the FIR, it is submitted, are not borne out from the medical evidence on record. No injuries were found on the person of the alleged victim. Even as per the FSL report, a doubt is cast on the veracity of the prosecution version. Furthermore, the material witnesses, in this case, including the victim and the complainant have since been examined. The petitioner, it is submitted, is in custody since 23.05.2016. It is, thus, prayed that this petition be allowed.

Learned counsel for the State, on instructions, from ASI Rajvir

Singh verifies the factum of absence of injuries on the person of the victim

and affirms the FSL report. It is further verified that the material witnesses, in this case, including the victim as well as the complainant have since been examined. Medical evidence has also been led before the learned trial Court. The petitioner, it is confirmed, is not involved in any other criminal case. There are no allegations on behalf of the State that petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts in the Court, if released on bail. Trial in this case is not likely to conclude in the near future.

No useful purpose shall be served by keeping the petitioner incarcerated any longer. Keeping in view the facts and circumstances noted above but without expressing any opinion on the merits of case, it is considered just and expedient to allow this petition.

Consequently, the petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety bonds to the satisfaction of the learned trial Court.

It is reiterated that none of the observations made herein above are a reflection on the merits of the case and shall have no bearing on the trial.

July 14, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No